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FROM THE

BRIGHT LEGACY.

Descendants of Henry Bright, Jr., who died at Watertown, Mass., in 1685, are entitled to hold scholarships in Harvard College, established in 1880 under the will of

JONATHAN BROWN BRIGHT

of Waltham, Mass., with one half the income of this Legacy. Such descendants failing, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.

THE EVIDENCE

IN THE CASE OF

DENNIS DONNELLY,

INDICTED, TRIED AND CONVICTED OF MURDER IN THE
FIRST DEGREE, AT POTTSVILLE, SATURDAY,
NOVEMBER 24TH, 1877.

STENOGRAPHICALLY REPORTED BY E. D. YORK, OFFICIAL
STENOGRAPHER.

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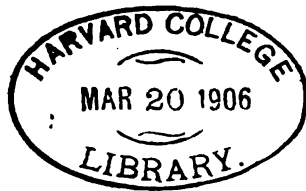
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Court of Common Pleas, County of Schuylkill.

The Commonwealth

vs.

Dennis Donnelly.

No. 2053.

September Term, 1876.

Murder.

Tried Friday, Saturday, November 17th, 1877, *et seq.*,
before Hon. C. L. Pershing and a jury.

Appearances.—Messrs. GEORGE R. KAERCHER, F. W. HUGHES and GEORGE E. FARQUHAR for the Commonwealth; Messrs. S. A. GARRETT, M. M. L'VELLE, W. J. WHITEHOUSE and ANTHONY CAMPBELL for the defendant.

Motion to quash overruled. Motion for change of venue overruled.

Jury impaneled and sworn, when the case was proceeded with as follows:—

SATURDAY, NOVEMBER 17TH, 1877.

Morning Session.

Court opened at 9 A. M.

Opening to the jury by Mr. Kaercher on behalf of the Commonwealth.

A. B. COCHRAN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What is your business?

Answer. I am an engineer and surveyor.

Q. State whether you made a map showing the vicinity of Heaton & Company's colliery at Raven Run?

A. Yes, sir; I did.

Q. Was it made from actual survey?

A. Yes; it was made from actual survey.

Q. Did you make the map to a scale?

A. Yes, sir.

Q. (Map produced.) Look at this map and tell us whether it is the map you made from actual survey?

A. Yes; it is the map from actual survey, and laid down on a scale one hundred feet to the inch.

Q. What is the distance from the place marked as Heaton's to the truck?

A. It is about five hundred and sixty feet.

Q. What is the distance from the point marked as Sanger's to the truck?

A. About three hundred and fifty feet.

Q. What is the distance from the truck to the house marked as Weevil's?

A. About two hundred and eighty feet.

Q. What does this dark body represent to the north of the wagon-road?

A. That is the rock bank of the Girard Mammoth colliery.

Q. What breaker is this?

A. Heaton's breaker—the Cuyler breaker.

Q. State whether the map and the representation of the house were made as you found the place upon the ground?

A. They are made as I found them upon the ground, and are correctly laid down.

Q. Does the map show the points of the compass?

A. Yes, sir.

Q. What is the distance from the wagon-road to the Lehigh Valley road which you marked upon your map?

A. About seven hundred feet.

Q. Did you make a map showing the vicinity of Raven Run and Gilberton, and Shenandoah and Wiggon's Patch?

A. Yes, sir; I did.

Q. State whether it was made from actual knowledge of the ground and surveys that you made at different times?

A. It was made from my own surveys and others that I have.

Q. Do you know it to be correct?

A. Yes, sir.

Q. State whether this map represents the topography of the country?

A. Yes, sir.

Q. What is the distance from Raven Run along the mountain to Shenandoah?

A. About three miles and a quarter ($3\frac{1}{4}$).

Q. State whether you have drawn circles on the map to represent the distance from Raven Run?

A. Yes; they are drawn at intervals of one mile apart.

Q. What do the red lines represent on the map?

A. They represent the railroads.

Q. And the light sienna lines?

A. The wagon-roads.

Q. The blue lines?

A. The creeks and streams.

Q. What is the distance from Shenandoah to Wiggon's in a straight line?

A. A little over a mile and a quarter ($1\frac{1}{4}$).

Q. What is the distance from Gilberton Borough in a straight line to Shenandoah?

A. A little over a mile and a quarter ($1\frac{1}{4}$).

Q. What is the distance from Girardville to Raven Run?

A. It is about two miles.

Cross-examination by Mr. Whitehouse.

Q. What road is this (indicating on map)?

A. The road passes the Girard Mammoth colliery, and this road runs to Lost Creek. The railroad is represented by red lines. This is the Lehigh Valley and the siding in to the two breakers, the Cuyler and Girard Mammoth.

Q. Where does the railroad from the colliery make connection with the Lehigh Valley?

A. To the south.

Q. When did you draw these two maps?

A. In April, 1876.

Q. Who employed you to make them?

A. I was employed by the district attorney.

Q. And paid by the Commonwealth?

A. I was paid by the county.

Q. Have you got your money?

A. Yes, sir.

Q. How far is it from Raven Run to Shenandoah?

A. About three and a quarter miles ($3\frac{1}{4}$); the circles are at drawn intervals of one mile.

Q. These are geographical miles?

A. Yes; seventeen hundred and sixty yards.

Q. Do you know what an air-line is?

A. Yes; and this was drawn at an air-line.

Q. When you speak of the distance from Shenandoah to Raven Run, you do not know what is the distance by the road?

A. No, sir; that is the air-line between the two places.

Q. Can you tell us the distance by the highway or road from Raven Run to Shenandoah?

A. Not exactly.

Q. Can you tell us the distance from Girardville to Raven Run by the highway?

A. About two miles.
(Map shown to jury.)

MRS. SARAH SANGER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Q. Did you know Thomas Sanger?

A. Yes; I did.

Q. Was he your husband?

A. Yes, sir.

Q. What was his age?

A. About thirty-three or thirty-two.

Q. Where was he living on the 1st of September, 1875?

A. In Raven Run.

Q. How long had he been living there?

A. Very near three years; he had been working there three years.

Q. What was his business?

A. He was inside boss at Heaton's colliery.

Q. Had he been engaged as a boss all the time he lived at Raven Run?

A. Yes, sir.

Q. All the three years as inside boss?

A. Yes, sir.

Q. State at what time he was required to be at his work?

A. He attended to his work by day.

Q. If you recollect where your husband was on the night before the 1st of September, 1875, tell us?

A. He was around the house all the evening.

Q. Do you recollect at what time you retired that evening?

A. Between ten and eleven, I think.

Q. You retired at about what time to your bed that night?

A. About that time.

Q. What time the next morning did your husband arise?

A. About six o'clock; it was generally about six o'clock.

Q. Did you get up at the same time?

A. No, sir; I was sick at the time; I was not well, and I remained in bed after he had got up.

Q. Did you hear him leave the house that morning?

A. He came in to me about five minutes before he left the house.

Q. He came into your room about five minutes before he left?

A. Yes, sir.

Q. How was he dressed?

A. In his mining-clothes.

Q. Ready to proceed to the mines?

A. Yes, sir.

Q. Was there any one boarding with you at that time?

A. Yes; William Uren.

Q. Was he home the night before; did he sleep in the house?

A. Yes, sir.

Q. Did he leave the house that morning that you know of?

A. Well, they most generally left together.

Q. Did you notice him going out?

A. I was not out of bed and I could not say that they left together; but they generally did leave together.

Q. After your husband left the house that morning, when did you next see him; how long after he left the house?

A. I could not say exactly. It was not hardly ten minutes I do not think.

Q. It was not hardly ten minutes before you saw him?

A. No, sir.

Q. Where did you see him ?

A. In Mr. Weevil's.

Q. Which room was he in at Weevil's?

A. In the first kitchen ; what they call the shanty, I believe.

Q. State what his condition was when you saw him there ?

A. He was lying on the floor.

Q. In Weevil's kitchen?

A. Yes, sir.

Q. Was he alive when you got there?

A. Yes, sir.

Q. State whether he appeared to have been injured when you saw him there ?

A. As soon as I came into the room he said, "Sarah, come and kiss me, I am dying." He was bleeding from his leg, or I thought it was from his leg.

Q. How long after you got there and saw him did he live?

A. I do not know. I guess about five minutes.

Q. He died then in your presence in Mr. Weevil's house?

A. Yes, sir.

Q. On the morning of the 1st of September, 1875?

A. Yes, sir.

Q. State whether Mr. Weevil's house was situated in Raven Run ?

A. Yes, sir.

Q. In what county?

A. In Schuylkill county.

Q. On the road to Girardville, who lived in the first house above the Mammoth road towards the Lehigh Valley road?

A. The Nash's.

Q. Who lived in the next block between you and Nash's?

A. The Williams' and Purcell's.

Q. And who lived above you?

A. Mrs. Hübner and Berget; next door to me lived the Burns' in the same block.

Q. Those houses were all double blocks?

A. Yes, sir.

Q. Who lived in the house opposite Williams' on the other side of the road?

A. Mrs. Weevil.

Q. Was that the house where you found your husband and in which he died?

A. Yes, sir.

Q. Was it right at the junction of the two roads that leads past the store and the road that leads to Girardville?

A. I meant in that road that leads past the store.

Q. State whether there is a pair of stairs that lead into Weevil's house upon that side?

A. Yes, sir.

Cross-examination by Mr. Whitehouse.

Q. Was there a physician there before he died?

A. No, sir; only Dr. Hunter, he was in the place.

Q. How far was there a physician from there?

A. At Girardville.

Q. Was that the nearest?

A. Yes, sir.

Re-direct examination by Mr. Kaercher.

Q. What was Uren's business?

A. He was a miner.

Q. What kind of clothing did they have on that day?

A. He had a flannel undershirt and blue drilling blouse and blue drilling overhauls.

Q. What kind of a shirt?

A. A flannel shirt.

ROBERT HEATON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Q. Where were you living on the first day of September, 1875?

A. At Raven Run.

Q. State whether you were in charge of the colliery there known as the Cuyler colliery?

A. Yes; I was in charge at that time and had been there for sometime. I am concerned with them.

Q. State whether the colliery was owned by Heaton & Company?

A. Yes; by S. M. Heaton & Company. I was a member of the firm.

Q. State whether you knew Thomas Sanger?

A. I did.

Q. Do you recollect the day that he died at Raven Run?

A. I do; it was the 1st of September, 1875. It was Wednesday.

Q. State whether you saw Thomas Sanger that morning?

A. I did.

Q. Before he was shot?

A. No, sir.

Q. When you saw him after he had been injured, where did you see him?

A. Slightly east of Robert Weevil's house.

Q. Proceed and tell us whether you saw any strangers at Raven Run on the morning of the 1st of September, 1875, and what they did and who they were, if you know?

A. I saw some strangers come to Raven Run on the morning of the 1st of September, 1875, at an earlier hour than I saw Sanger.

Q. About what hour did you see them come?

A. About six o'clock.

Q. Where were they coming from at the time you saw them ?

A. From the direction of the Lehigh Valley road, and across through the stable-yard.

Q. Where did they go after they came through the stable-yard ?

A. They came and remained about the stable-yard fence and some of them sat on the fence.

Q. Did you take any particular notice of these men ?

A. It struck me as peculiar that these men should not be in their working clothes, and I took notice of the manner in which one man was sitting on the fence, but that was all.

Q. State from what direction they came when they came toward the stable-yard ?

A. From the north toward the south.

Q. Did they come from the direction of the Lehigh Valley road ?

A. Yes ; that is north of the Girardville road.

Q. You noticed, you say, a peculiar and strange position of one of the men on the fence ?

A. Yes, sir.

Q. Did you afterwards see and recognize that man ?

A. Yes, sir.

Q. And know who he was ?

A. Yes, sir.

Q. Who was that man ?

A. Thomas Munley.

Q. Where did you first see him afterwards to recognize Thomas Munley as the man you saw sitting on the fence that morning ?

A. He was retreating from the scene of Sanger's murder and I was pursuing him.

Q. At any time subsequent to that day ?

A. In this court-house on the 23d of February, I think, 1876.

Q. You saw him in this court-room ?

A. Yes, sir.

Q. Was that the occasion upon which you recognized him as the same man you saw sitting upon the fence on the 1st of September ?

A. Yes ; that was the occasion.

Q. After you noticed these men there, did you have them under your continuous observation ?

A. They started and disappeared from my view.

Q. What was the next thing that attracted your attention ?

A. As I was sitting at my breakfast I heard a succession of pistol shots ; I ran to the door and saw firing, and saw one man falling or on the ground. I am not positive whether he was in the act of falling or on the ground. I returned into the house and obtained my revolver and ran down in the direction of the firing. When I reached Weevil's house Sanger came around the house ; he was wounded and had been bleeding profusely, and those five men were in retreat down the road. I opened fire upon the two nearest and they returned my fire, and we had a running fight until I had emptied my revolver and they had crossed through the stable-yard.

Q. State how near you came to those men in their retreat ?

A. I think at times I was within twelve and fifteen yards,—it is difficult to state precisely ; the distances were varying.

Q. State whether, as these men retreated, you had any opportunity to see the features of these men ?

A. I had a decided opportunity to see the features of Thomas Munley. I was firing at him. He was firing at me and I thought I could hit him.

Q. State whether he stood the fire, or whether he retreated and turned and fired ?

A. He would retreat and turn and fire.

Q. How many shots did he fire at you in that way?

A. I can give no definite number. I recollect from four to six shots, but I don't know positively.

Q. State in what direction those men went in their retreat?

A. Nearly as they came; back through the stable-yard, and north over the Lehigh Valley road.

Q. Where did you lose sight of them?

A. As they entered the woods, between the stable-yard and the Lehigh Valley Railroad.

Q. You stated when you first heard the firing or shooting you came out and saw a man fall; where was it the man fell?

A. West of Weevil's house. West of the house in which Weevil lives.

Q. Was it on the Girardville road?

A. He was between the houses.

Q. Did you notice any person in pursuit of him?

A. There were men following him up. I am not certain whether I saw him fall or whether he was on the ground at the time.

Q. Did you notice a man firing at him?

A. I could not say distinctly; but I think there was two.

Q. Can you tell whether or not the two men who were firing at Sanger were the men with whom you exchanged shots?

A. I could not say.

Q. As you came down from your house, did Sanger say anything to you?

A. He said to me, "Go for them, Rob." He was just coming around the corner of Weevil's house—he had got around the corner.

Q. State whether upon that side of the street of the road leading by the store there was a pair of stairs leading into Weevil's house?

A. Yes, sir.

Q. How far was he from those steps?

A. Ten or fifteen feet.

Q. Did you notice that he had been injured?

A. He had been injured, and was bleeding profusely.

Q. And I understand you recognized Thomas Munley?

A. I did.

Q. You recognized him on the 23d of February as the man you saw in that constrained position, and the man with whom you exchanged shots?

A. Yes, sir.

Q. Was it the same Thomas Munley afterwards tried in this court for the murder of Thomas Sanger?

A. Yes, sir.

Q. And you were a witness in that case?

A. Yes, sir.

Q. State what Mr. Sanger's position was at Raven Run?

A. He was inside boss for our colliery.

Q. What was his position?

A. He had the general supervision of the mining of the coal?

Q. Did he have the hiring and discharging of the men?

A. He did.

Q. You stated it was about six o'clock; by what time?

A. I judge it was about six o'clock, railroad time, or in that neighborhood.

Q. Do you recollect how Munley was dressed?

A. I can hardly recollect at this time; but I think he was dressed in dark clothes, with a slouch hat.

Q. State where you were when you first noticed these men?

A. I was sitting on the porch.

Q. Where was it you saw the men come over the fence?

A. By this truck.

Q. Was it your place of residence?

A. Yes; at that time it was.

Q. This place marked as store and office, was it the store and office of the company?

A. The office of the company, and the store of my brother.

Q. Does this map correctly represent the houses and breaker, store and powder-house, and oil-house as they were at that time?

A. It does.

Q. Where was it you saw Sanger fall, or upon the ground at the time the men were shooting at him?

A. I judge about here (indicating on map), west of Weevil's house; between Weevil's and the next block.

Q. What distance in from the road about?

A. Merely as an estimate, I would say twenty feet. It is utterly impossible for me to tell definitely.

Q. After you saw Sanger, and he said. "Go for them, Rob," where was he then?

A. He had turned the corner of Weevil's house, and was between the front corner and the steps leading into the kitchen.

Q. Where were you when you began to exchange shots with the men?

A. My impression is that I was opposite Nash's house off from the road.

Q. State whether or not there was at that time an old truck at the fence there known as the stable-yard fence?

A. There was.

Q. State whether or not it was in that vicinity you first saw the men?

A. That is the vicinity.

Q. What time was it you saw the men first?

A. About six o'clock.

Q. What time was it you saw the men shooting at Sanger?

A. A very few minutes before seven.

Q. State whether when you first saw these men at six o'clock in the morning at the fence they were engaged in conversation?

A. Well I think—yes. I think they appeared to be in conversation?

Cross-examination by Mr. L'Velle.

Q. Was there anything unusual in your seeing five men about your colliery at that early hour in the morning?

A. There was at that time.

Q. Why was it that time different from any other time?

A. Because we rather expected a strike that morning.

Q. Did you ever see five men there before at about that hour?

A. Yes, sir.

Q. And from your dwelling-house porch?

A. Did I ever see them from the same position? I don't know as I did.

Q. Did you ever see five men sit at the truck at that early hour before?

A. I don't recollect that I did ever see five men with clean clothes on sitting about there at that hour.

Q. Could you recognize that they were in their clean clothes from your house?

A. Yes, very readily.

Q. Were they all sitting, those five men?

A. My impression is that two of them were sitting upon the fence, and the others were clustered about them, either sitting upon the ground, or upon the truck, possibly.

Q. There were two sitting upon the fence?

A. That is my impression upon this late date.

Q. Was it your impression when you testified in the Munley case?

A. I cannot tell you.

Q. You could not tell whether two or three or five sat upon the fence, when you were in this court before, could you?

A. I am confident my impression was at that time that the five were not sitting upon the fence.

Q. Can you recollect what you told us last year here in this court-house relative to the position of the truck?

A. I recollect, to the best of my knowledge, the impression of the events as they occurred on the morning of the 1st of September, 1875. I am telling you the impression made upon my mind by the occurrence when it took place.

Q. What kind of a fence is it?

A. It is rather of a nondescript fence, posts and so many kinds of fence, it would be difficult to describe it. At that particular point the fence was composed of posts and rails, but I do not know whether they were nailed or mortised into the fence.

Q. Was it a rail fence?

A. These zig-zag arrangements it was not; it was not a board fence; it was a very cheap fence.

Q. Was it a plank fence or a rail fence where they were?

A. I told you it was a post-and-rail fence.

Q. You cannot state whether the rails were mortised or whether they were nailed to the posts?

A. My impression is that they were mortised, but I do not know positively.

Q. Can you tell whether they sat upon the upper rail or not?

A. I am confident they sat upon the upper rail.

Q. The two men?

A. I think so.

Q. Were they sitting conveniently close by?

A. Yes; they were sitting conveniently.

Q. Were they sitting straight up?

A. One was sitting in this constrained position.

Q. How would you have a man sit upon a rail fence otherwise?

A. The other man was not sitting in that way.

Q. Who was the other man?

A. I do not know.

Q. Who were the others?

A. I do not know.

Q. How was Munley dressed?

A. I gave my idea of his dress in my original examination.

Q. When you saw him upon the fence was it then you recognized the style of dress he had on or when you exchanged shots with him afterwards?

A. I am not positive about that. I think I could recognize his clothes at that time because they were dark.

Q. I ask you whether it was from his position at that time, or whether it was from the interchange of shots?

A. I think at that time his position was the simple feature; the impression upon me was made by the position. He was sitting leaning over forward with a perfectly straight back, or, it appeared to be so, inclined forward but not bent.

Q. Did he have anything to support his feet, or were they resting on anything?

A. I cannot say.

Q. Did you ever see a person sit upon a fence in that way before in your life?

A. Not in that peculiar position. (Witness indicates the position.) That is an illustration of the position, as nearly as I can give it, though I do not say it is exactly the position.

Q. Did you notice that he had anything in his hand?

A. I did not.

Q. How soon before you saw them sitting there did you see them going toward the fence?

A. A very few minutes.

Q. Was it five minutes?

A. No, sir.

Q. Was it ten minutes?

A. No, sir.

Q. Was it two minutes?

A. Possibly.

Q. Where were you when you first saw the men?

A. Sitting on the porch.

Q. How far were they when you first saw them from the fence?

A. They were scattered at intervals through the stable-yard. I think I saw two coming through the stable-yard, and join the other three.

Q. Were they all in the stable-yard when you first saw them?

A. I think not.

Q. How many were in the stable-yard?

A. I think two were in the stable-yard and three had arrived at the fence.

Q. In which direction did they come from, Gilberton or Shenandoah?

A. Not any of those directions.

Q. From the direction of Ringtown?

A. They did.

Q. As the direction indicated at that time?

A. Yes, sir.

Q. That is, directly from Dames Patch or Lost Creek?

A. No; more directly opposite Girardville.

Q. And within the line of direction from Lost Creek?

A. Yes, sir.

Q. The man that was with Munley, what did he have on his head, a hat or cap?

A. I can not tell you now.

Q. Could you tell what Munley had on his head?

A. He retained the same head gear through the whole transaction, but I can not recollect now.

Q. You say it was his position that impressed his identity upon you at that time and not his features or his

clothes. Did you notice whether he wore a hat or cap when he occupied that constrained position ?

A. I could not say positively at that time that I recognized his wearing a cap or hat.

Q. Why did you say he retained the same marks of identity ?

A. He retained the same clothing all the way through.

Q. How do you know ?

A. Because I know that he had a hat on, or at least I am confident he had a hat on afterwards.

Q. And then you judge because he had a hat on afterwards to fix his identity, that he must have had a hat on in this constrained position previously ?

A. I did not say that I fixed his identity by his having a hat on.

Q. You fix his identity by the constrained position on the fence, and you say now that he had the same marks of identity all the way through ?

A. Yes, sir.

Q. Did he have a coat on at the time you noticed the constrained position that he occupied ?

A. I could not say ; it is nothing but an inference.

Q. You did not say when you were examined in this court before as a witness against Thomas Munley that he wore a coat upon that occasion on that morning ?

A. I do not recollect of saying any such thing.

Q. Do you recollect of saying that he did wear a coat ?

A. I do not recollect any such thing.

Q. Do you recollect now that he did wear a coat ?

A. I believe he did.

Q. Do you recollect now that he wore a cap at that time ?

A. I recollect now that he did not wear a cap.

Q. Did you not swear that he wore a hat at the time he sat on the fence ?

A. I did not. I did not swear anything about his head-gear at that time.

Q. Then is your testimony here entirely a matter of speculation as to what he wore at that time?

A. As to the particular moment.

Q. As to what he wore upon his head when he was upon the fence, is it something you know nothing about?

A. I do not think you can go so far as that.

Q. Did he wear nothing?

A. He did not wear nothing, if you will allow the grammar.

Q. Did he wear anything?

A. Yes; he wore something.

Q. But you do not know what that something was?

A. My impression is that it was a hat.

Q. At that time?

A. Now.

Q. Then you do recollect throwing your mind back to the occasion, that he wore a hat?

A. I am endeavoring to throw my mind back, under your assistance. The hat was dark, but the morning was not dark; it was a delightful morning.

Q. Had you known the parties or any of them intimately, would you have been able to recognize their identity from where you were?

A. Without any difficulty.

Q. How far was it from your house?

A. Five hundred and fifty feet—about that.

Q. And you swear you could recognize parties at that distance?

A. I swear I could recognize your face at that distance.

Q. With regard to clothing?

A. Without regard to clothing.

Q. And with the naked eye?

A. Yes, sir.

Q. A distance of five hundred and fifty feet?

A. Yes, sir.

Q. Did you go into your house between your seeing them on the fence and hearing the shooting?

A. Yes, sir.

Q. Were you at breakfast?

A. Yes, sir.

Q. When you heard the shots?

A. Yes, sir.

Q. How many shots did you hear?

A. Three or four, I should judge.

Q. That was very nearly an hour after you saw them upon the fence?

A. Well, no; I think the six o'clock I mentioned was about railroad time.

Q. How does that conform with your time?

A. There was about twenty minutes' difference at that time, although it is very irregular; the breaker time was in advance of the railroad time.

Q. So that 6.20 breaker time would be about six o'clock railroad time?

A. Yes, sir.

Q. After you had come out, after you heard the shots, what was the first thing that you saw?

A. I saw this man, either falling or rolling, on the ground between the house that Weevil occupied and the house above, and two men firing, I think; there were shots exchanged, and two men were in that position.

Q. Did you recognize the fallen man?

A. I did not.

Q. The location of the fallen man was much nearer to you than where the fence was where you saw the men that morning?

A. Yes, sir.

Q. And you knew Sanger intimately?

A. Yes, sir.

Q. The distance was further to the fence than to the place between Weevil's and the other house?

A. Yes, sir.

Q. Was the party in the act of falling when you saw him?

A. I could not tell you, precisely.

Q. Can you tell whether he was standing or not at that time?

A. I cannot tell you anything about it, definitely, because it was smoky from the pistols, and I only gave a hasty glance before returning for my revolver. There was no effort on my part to make any recognition or time to make any.

Q. Did you realize at a glance the unfortunate condition?

A. I did not take the situation in at that time, but I knew there was trouble.

Q. How long was it from the time you saw the party there until you ran toward them?

A. Time enough to run into the house and get my pistol and run down there.

Q. Was it two or three minutes?

A. Yes; two minutes, I suppose.

Q. And then you ran toward Weevil's?

A. Yes. I do not think it could have been over two minutes.

Q. Where did you first see Mr. Sanger to recognize him?

A. As he got around the corner of Mr. Weevil's house.

Q. Did you see him before that?

A. No, sir.

Q. That is, to recognize him?

A. No, sir.

Q. And then he was bleeding?

A. Yes; from the groin. I could see that the entire leg of the overhauls was coated with blood.

Q. And then he said, "Give it to them, Rob"?

A. It was, "Go for them, Rob."

Q. Was there anybody with him at that time?

A. No, sir.

Q. Where was it?

A. Right at the corner of Weevil's.

Q. And he would have to go by the corner to go upon the steps?

A. Yes; the steps were over on the side of the house.

Q. If you recognized the position of Thomas Munley at that time when Sanger told you, "Go for them, Rob," where was he?

A. He was retreating down the road.

Q. Running away?

A. Yes, sir.

Q. Were there not others nearer between Sanger and Munley; were not the other four occupying that position?

A. My impression is that Munley was the last. The positions were changed at all times during the retreat.

Q. Did they fire at Sanger after you came there?

A. No, sir.

Q. What induced the change in position?

A. Their retreating; they did not retreat in perfect military order.

Q. Did they retreat hastily?

A. Yes, and they would turn and fire.

Q. Did not some of them retreat some twenty yards and then advance twenty yards again?

A. I do not think so.

Q. Did you interchange with anybody but Munley?

A. With Munley and one other.

Q. How was the other dressed?

A. I could not tell you.

Q. How many shots did you change with the other?

A. They were divided; whichever was the best shot I fired at.

Q. You do not know how many shots you fired at the other party?

A. No, sir.

Q. How many at Munley?

A. I do not know; Munley was the best shot and I

ought to have killed him. I think he was some ten or fifteen yards away.

Q. You did not consider him a good shot not to kill you at ten or fifteen yards?

A. He shot uncomfortably close.

Q. What is your estimate of your own ability?

A. I think I ought to have hit him, but my revolver was too small. It was a Smith & Wesson No. 32.

Q. Could you not kill a man at forty yards?

A. Not to hit him at that distance.

Q. What is the distance that 32 is guaranteed to hit?

A. I do not know.

Q. Is it not sixty-five yards?

A. I do not know. I would be perfectly willing to let anybody fire at me at forty yards with Smith & Wesson 32.

Q. Where was Munley when you fired at him?

A. When the firing first began he was about half-way from Weevil's to the fence, and when the firing ended he was in the stable-yard. I pursued him to the stable-yard fence and when I got to the fence he was nearly to the other fence.

Q. How far is it?

A. No; he was not at the other side of the fence, he was standing about half-way in the stable-yard.

Q. The fence is very irregular?

A. Yes, sir.

Q. Was it at the farthest distance from the fence where you stood?

A. No; the fence is not zig-zag, although the included ground is zig-zag; but he was about half-way from the point of the fence where I was standing, near the truck to the other side of the field.

Q. Was he near the stable?

A. Yes; he was near to the other end of the stable.

Q. How far is the far end of the stable from the truck where you stood?

A. If I knew the dimensions of the stable I could tell you precisely. The front of the stable is in a line with the fence east and west.

Q. Is it not quite a distance from the fence?

A. The fence is very indefinite, because it joins the stable-yard both sides.

Q. Did you notice whether Munley had a moustache?

A. I could not tell you.

Q. Did he have whiskers?

A. I recollect this same line of questions before.

Q. What was your reply?

A. My impression was that he had not.

Q. Was that your reply before that he had not?

A. I think it was.

Q. Your memory was more vivid at that time than it is now?

A. Certainly it was. I swear that he might have had a slight moustache; I think that was the evidence.

Q. Did you not swear, "yes, he had a light moustache"?

A. I do not know.

Q. Will you tell us what you did swear here the last time?

A. I could not tell you the particulars.

Q. You cannot tell us whether you swore that he had or you thought he had a light moustache?

A. No, sir.

Q. What is your impression now?

A. My impression is now that he may have had a light moustache, but I did not notice it.

Q. When you saw him in court here did he have a moustache?

A. He did not.

Q. Did you see him in court here?

A. He did not when he was tried.

Q. You are satisfied of that fact?

A. I am satisfied of that fact.

Q. When you recognized him here in court or when you said you recognized him, was it from the peculiar expression of his face or the same thing that made an impression upon your mind before?

A. The constrained position was one of the assistants to my identification and the general features, and my knowledge of his person, just as I would recognize you.

Q. And without the constrained position would you have been able to recognize him in this court?

A. Yes, sir.

Q. At the time you and he interchanged the shots it was then you got the impression of his features?

A. Yes, sir.

Q. And at that time he wore a dark slouch hat?

A. Yes, sir.

Q. After the interchange of shots between you and Munley those parties were not seen there any more?

A. No; they were not seen in that town afterwards, that I know.

Q. Did you not pass two or three of those men on the road between Weevil's and where you interchanged shots with Munley without recognizing any of them; without knowing they were any of those assassins or not before the shooting between you and Munley?

A. I was not down there.

Q. Did you not pass one or two of them?

A. Munley was the last person of the five in the retreat.

Q. Were they not all on the retreat after Mr. Sanger passed around Weevil's and went into Weevil's?

A. Yes, sir.

Q. And they were all on the retreat before you went any distance after them?

A. Yes, sir.

Q. Then was not Munley the first to retreat and consequently the farthest from you?

A. He was the last to retreat.

Q. And they were all ahead but Munley?

A. Yes, sir.

Q. Then you did not meet any of the others between Weevil's and the time you saw Munley?

A. No, sir.

Q. Because he was the last?

A. Yes; he was the last.

Q. How far from Munley was the next man on the retreat?

A. Several feet.

Q. What position was he in when Munley and you commenced firing?

A. He was retreating toward the fence. It is very hard to give an exact description of their firing.

Q. Did they fire at you both at the same time?

A. Not at that time. I think Munley fired first, and then this man turned around and fired.

Q. You cannot tell how far Munley was from this man?

A. No, sir; but Munley had got a little ahead of the other man, and then faced around and fired and then got in the rear on the retreat.

Q. How far did you pursue when you recognized him as one of the assassins?

A. From front of Nash's house to the stable fence.

Q. Did you know Michael J. Doyle?

A. I presume I did.

Q. Little Mike Doyle?

A. I presume I knew him when he was quite a boy.

Q. Do you know that he worked at that colliery?

A. I am told that he did.

Q. Some four or five years?

A. I do not think it was so long as that. I am very curious in that respect myself.

Q. Would you know him?

A. I cannot tell.

Re-direct examination by Mr. Kaercher.

Q. How long before the killing of Sanger was it that Mike Doyle worked at Raven Run, if you know?

A. I do not know, but it was prior to October, 1872.

Q. State whether he was a small man?

A. He was a boy.

Q. At the time that he left your employ?

A. Yes, sir.

Q. State whether this defendant worked at your works on the 1st of September, 1875?

A. Yes, sir.

Q. What was his position?

A. He was a miner.

Q. State whether or not he was under the direction of Thomas Sanger?

A. He was.

Q. Did you notice, Mr. Heaton, when you were firing at these men or when they were firing at Sanger, whether they were armed with more than one revolver apiece or not?

A. My impression is—I cannot tell when I was exchanging shots, whether they were or not.

Q. What kind of revolvers did they appear to have?

A. Large revolvers.

Q. Where was it you recognized Thomas Munley in this court-room?

A. He was sitting by that counsel-table there (indicating the table occupied by the defendant's counsel). I first recognized him as I came through the door.

Q. Was it the *habeas corpus* hearing in his case?

A. Yes, sir.

Q. Did you recognize him the instant you saw him?

A. Yes, sir.

Q. State whether you identified Thomas Munley as one of the men engaged in the shooting at Raven Run, from

the constrained position you saw the man take, or whether you identified him from his features?

A. I identified him from the features.

Q. State whether you noticed him afterwards assume that constrained position here in court?

A. He assumed that position in court, and I called attention to it.

Q. You do not say that you recognized him as the man from that constrained position?

A. No, sir; but by his features.

Re-cross-examination by Mr. L'Velle.

Q. Did you not swear in this court-house, on the hearing of *habeas corpus*, that it was from his constrained position you recognized him?

A. I called attention to his constrained position.

Q. Did you swear that or not without regard to features?

A. I swore that I recognized the position.

Q. And it was the position you recognized and not the face?

A. I recognized that position. I do not recollect whether I was asked about the face or not.

Q. Do you know the question Mr. Kaercher asked you just now?

A. Yes; he asked me whether I recognized him by his features.

Q. Whether you did?

A. Yes; whether I did.

Q. And I asked you whether you swore it was by the constrained position and not the features?

A. I swore I recognized that position as assumed by him.

Q. And it was through that constrained position that you traced his identity, and not his features?

A. I did not swear so; I swore I recognized this position as being the position he assumed.

Q. And it was the key to his identity?

A. No, sir; nothing of the kind.

Q. Do you swear that?

A. No, sir.

Q. Did you not swear on that stand that it was the constrained position by which you recognized Thomas Munley?

A. I did not.

Q. You swear here that you did not swear that at that time?

A. Yes, sir.

Q. How long did Donnelly work at that colliery?

A. I can recollect Donnelly in the fall of 1866, and I think he worked continuously—that is, except the strikes.

Q. For nine or ten years?

A. Yes, ten fully; between ten and eleven years.

Q. He was well acquainted with Sanger, and Sanger with him?

A. Yes, sir.

Q. Was Sanger's business exclusively that of a mining boss? Did he have charge of anything else?

A. No, sir; I do not understand that he did.

Q. Were his duties confined exclusively to work in the mines?

A. Yes; and to general assistance. If anything was broken down outside he would assist; everything appertaining to the mines.

Q. Had he charge of letting houses?

A. No, sir. He had nothing to do with that.

Q. Or ousting people out of their houses?

A. No, sir.

Q. If he did that it was a piece of supererogation on his part?

A. It was at our special request if he did do it. To do it of his own free-will he did not.

Q. How do you know?

A. Because I know. I am just as positive as I can be.

Q. You recollect a man named Gaughan ?

A. Yes, sir.

Q. Did you give the sheriff instructions to put him out, or who was it ?

A. My brother.

Q. How do you know ?

A. Because he told me so.

Q. Then you swear it was he gave the sheriff instructions ?

A. Yes, sir.

Q. Was it not Sanger that gave the sheriff the instructions ?

A. No, sir.

Q. To Sheriff Werner ?

A. I can not swear to that. I can swear that Sanger never gave instructions to have people ousted unless it was under the authority of the person in charge of the colliery.

Q. Then you have only your brother's information communicated to you that it was he who gave the instructions to oust Gaughan from his home at that time ?

THE COURT:—Has this any bearing upon this case ?

Q. (Mr. Kaercher) When was Gaughan put out of his house, if you know ?

A. In the winter of 1875, I think.

Q. Or 1874, do you mean ?

A. 1874 and 1875. It was before Sanger was killed that he was put out of the house. I mean the winter of 1874 and 1875, or the winter of 1873 and 1874. I think it was the first. That is my impression now.

Q. It was several months before Sanger was killed.

A. Yes, sir.

Q. (Mr. L'Velle) Were there any others put out at that time ?

A. None that I know of.

Q. Were you constantly employed about the colliery there?

A. No, sir. Not constantly, because the men were on a strike sometimes; but I was there most of the time when they were working.

Q. You were not there, were you, at the time this man was evicted?

A. No, sir. I was not there when Gaughan was put out.

Adjourned to 9 A. M. Monday, November 19th, 1877.

E. D. YORK,
Official Stenographer.

MONDAY, NOVEMBER 19TH, 1877.

Morning Session.

Court opened at 9 A. M.

DR. A. B. SHERMAN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What is your business?

Answer. I am a practicing physician.

Q. How long have you been so engaged?

A. About twenty years or so.

Q. State whether you were acting as deputy coroner for the vicinity of Girardville in September, 1875?

A. I was.

Q. State whether you were informed of the death of Thomas Sanger ?

A. I was.

Q. On what day and at what time did you hear of it ?

A. On the morning of the first day of September, 1875.

Q. At about what time ?

A. As near as I can recollect, about seven (7) o'clock—perhaps between six and seven.

Q. Did you go to see Sanger ?

A. Yes, sir.

Q. What time did you arrive there at the place where he was ?

A. As near as I can judge, about eight o'clock in the morning.

Q. Where did you find the body of Thomas Sanger ?

A. At his own house.

Q. State whether or not he was dead ?

A. He was dead. Yes, sir.

Q. Did you make an examination of his person ?

A. Yes, sir.

Q. About what sized man was he ?

A. I shall have to answer that from recollection entirely. Of course my notes of the *post-mortem* would show. If I had consulted them I could have answered you correctly. I suppose he was a man of about one hundred and sixty or one hundred and sixty-five or perhaps one hundred and seventy pounds, and about five feet eight or nine inches, or perhaps ten.

Q. State whether you summoned a jury and held an inquest ?

A. Yes, sir.

Q. What wounds and injuries did you find upon his person ?

A. There was a wound in the right groin—a gunshot wound. The bullet had penetrated the skin and struck the pubis bone and dropped down and lodged in the tissues. It had divided the femoral vein.

Q. Was there any other wound ?

A. There was a wound through the left fore-arm.

Q. State whether that was simply a flesh-wound ?

A. Yes ; simply a flesh-wound.

Q. What do you mean by a gunshot wound ?

A. I mean a wound from any kind of fire-arm, either a pistol or a gun.

Q. State the character of this wound in the thigh ?

A. The bullet did not penetrate the abdomen at all ; it struck the pubis bone and divided the femoral artery and dropped below the bone under the skin.

Q. State the character of this wound, as to its being a mortal or fatal wound ?

A. It was necessarily mortal.

Q. State whether if medical assistance had been upon the ground at the very instant he was shot it would have been possible to have saved his life ?

A. No, sir.

Q. State whether the wound was as necessarily fatal as if his head had been severed from his body ?

A. Yes ; not so speedy, but necessarily fatal.

Q. Indicate where the bullet entered ?

A. (Indicating.) The wound was upon the right groin, and between the skin and the pubis bone, in a large vein. The bullet struck that bone and severed that vein, and the wound was necessarily fatal from hemorrhage, and no power in the world could have saved his life. Had surgical assistance been there it could not have been saved. It was a large vein and could not have been tied. So large a vein as that could not have been so ligated as to save life. His life might have been prolonged, but not saved.

Q. Death must have ensued in a short time, under the most favorable circumstances ?

A. Yes, sir.

Q. Describe the surface of the bone where the bullet struck ?

A. It is one of the most difficult bones in the body to describe. It is nearer a round bone than flat, somewhat curved, like my finger (indicating), but in the diameter it is much thicker than one's finger.

Q. (Shows witness bullet.) Look at that bullet and see whether that is the bullet you obtained from the wound in the groin?

A. Yes; I should say that was the bullet.

Q. What end of the bullet struck the bone and severed the artery?

A. The butt end must have struck the bone.

Q. State whether a flannel shirt and a pair of overhauls would have made such a resistance as would have turned the bullet around so as to make it strike in the way it did?

A. Yes; and anything he might have had in his pocket might have occasioned it, as this was in the vicinity of his pocket.

Q. State whether you found a bullet in the arm?

A. No, sir; it had passed through.

Q. State whether you saw William Uren upon that occasion?

A. Yes; he was at the house of Sanger, too.

Q. Did you examine his person, too, at that time?

A. Yes, sir.

Q. Did you find any injuries upon his person then?

A. I found a gunshot wound in the right groin almost identical with Sanger's, with the exception that the vein was not divided, and the bullet had entered the cavity of the abdomen under the pubis bone.

Q. Were there any other wounds upon his person?

A. I think not; I would not be positive about that.

Q. How long did he live after receiving that wound?

A. He died the same evening; my impression is some eight or nine o'clock, or perhaps later, of the same day.

Q. Did you make a *post-mortem* examination?

A. Yes, sir.

Q. What was the course of the ball as developed by that examination?

A. The ball entered upon the right side, in the right groin; entered the abdomen and passed up through the abdomen, up through some two or three convolutions of the bowels, and through the diaphragm, into the cavity of the chest, and was then lost in the tissues. I did not obtain that ball; it had passed into the left side of the chest.

Q. State whether in its course through the abdominal cavity it severed important vessels?

A. Yes, sir.

Q. Was it also a necessarily fatal wound?

A. Yes; it was.

Q. How large a man was Uren?

A. He was not as large as Sanger. I never saw Uren until the morning I was called to see him.

Q. You made your first examination of Sanger about eight o'clock on the morning of the 1st of September, 1875?

A. Yes, sir.

MR. KAERCHER—We offer in evidence the bullet which has been testified about.

Cross-examination by Mr. Whitehouse.

Question. You were deputy coroner at this time?

Answer. Yes, sir.

Q. Were you called upon to go to the ground as deputy coroner, or as a physician only?

A. That question I really cannot answer.

Q. Who came for you?

A. I think a young man, named Burns, came for me. It strikes me that he came for me as a physician. I think he was not aware that Mr. Sanger was dead when he left.

Q. Then you went prepared to render services to the wounded?

A. Yes, sir.

Q. When you first got there you then learned that he was dead, for the first time?

A. Yes, sir.

Q. You did not learn it until you got upon the ground?

A. No, sir.

Q. How long had he been dead?

A. I cannot tell you.

Q. Was his person warm yet?

A. Oh, no; he had been dead perhaps an hour, judging from appearances.

Q. Sanger had been dead an hour?

A. Yes. Uren was living when I got there.

Q. Did you examine the body immediately, as soon as you got there?

A. No, sir.

Q. He had been moved from the place where he had first fallen?

A. I do not know.

Q. Where did you find him?

A. At his own house.

Q. Were there any other physicians there at that time, besides yourself?

A. Not at that time.

Q. Did you hold an inquest?

A. I held an inquest; yes, sir.

Q. What time did you summon a jury?

A. My impression is that I summoned a jury that afternoon, sometime about two or three o'clock.

Q. How long did the inquest last?

A. It lasted until the evening of the 3d of September, some six or seven o'clock in the evening.

Q. Was Dennis Donnelly summoned as a witness at that inquest?

A. He was, and examined.

Q. Were you there when he was examined?

A. Yes, sir.

HIRAM BENSINGER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living on the 1st of September, 1875?

Answer. In Raven Run.

Q. What was your business there?

A. I was a carpenter.

Q. What colliery were you employed at?

A. At the Cuyler colliery, or the Heaton & Company colliery.

Q. Do you recollect the morning of the 1st of September, 1875?

A. Yes, sir.

Q. In what part of the place were you living at that time in relation to Sanger—was it nearer to the breaker than Sanger?

A. No, sir; farther away than Sanger's house.

Q. Did you go by Sanger's house in going to the breaker?

A. Yes, sir.

Q. State whether you went to the breaker that morning?

A. I went to the carpenter shop.

Q. Who was with you?

A. James Fisher and his son Frank.

Q. Did you board at the same place?

A. They were boarding with me.

Q. What time did you go down to the carpenter shop that morning?

A. I do not know exactly; between six and seven o'clock?

Q. Did you go by Sanger's house that morning?

A. Yes, sir.

Q. Did you see Sanger?

A. No, sir.

Q. Do you know where the truck is?

A. Yes, sir.

Q. Did you see anybody there?

A. I may have seen them, but I do not know; it is a general thing to see miners sitting there.

Q. Is the truck a place where miners collect in the morning before they go into the works?

A. Yes; at that time when we were working the Mammoth.

Q. Did you notice any strange person about that morning?

A. I saw some strange men sitting on some car lumber or timber between the stable and the carpenter shop.

Q. Is the carpenter shop a portion of the blacksmith shop?

A. Yes, sir.

Q. Was it after you passed the truck and the Mammoth road?

A. Yes, sir.

Q. How were these men dressed that you saw sitting there on the timber?

A. One had a cap—a dark cap and dark clothing; but I am only talking so far as the coat.

Q. You are not sure of the coat?

A. No; the pants I am not sure of. The other man had on a light hat and coat, as near as I can recollect, at that time.

Q. What sized men?

A. I do not know what size.

Q. Were they dressed in mining clothes or clean clothes?

A. Clean clothes.

Q. How did those men conduct themselves; did they speak to you or did you see their faces?

A. No, sir. I did not see their faces, and they did not speak.

Q. Why did you not?

A. They were sitting with their backs to me, and I went behind them to the carpenter shop.

Q. They had their backs to you?

A. Yes, sir.

Q. Did they hold their heads up?

A. No, sir; they were sitting stooped—they might have been talking for all I know. I do not know. (Witness indicates on map.) I passed in behind the men and left the road; there used to be a path.

Q. State whether the ground here is a kind of embankment made of coal dirt?

A. It is between the powder-house and the carpenter shop.

Q. How long were you and the two Fishers at the carpenter shop before something occurred which attracted your attention?

A. I might have been there five or ten minutes. I do not know exactly how long.

Q. What was it that attracted your attention?

A. The firing of pistols or guns, and by the other carpenter running there and saying there was shooting.

Q. Who was the man that came running there?

A. Charles Heintz.

Q. How many shots did you hear fired?

A. I do not recollect; three or four there may have been.

Q. What did you do when the shots fired?

A. I started to run away—that is, after Heintz told me they were shooting.

Q. Where did you run to?

A. I ran three or four steps away from the carpenter shop, and I heard a man calling for a gun, and I stopped and ran up to him.

Q. Who was that man?

A. Nicholas Purcell.

Q. Where was Purcell at that time?

A. On the rock bank ; toward the powder-house.

Q. Where did you next go ?

A. I ran out the Mammoth toward where they were shooting.

Q. Who did you see then ?

A. I saw Robert Heaton and Edward Heaton ; they were firing at two men in the stable-yard.

Q. Did you know the men in the stable-yard ?

A. No, sir.

Q. How near were you to them ?

A. Between forty and fifty yards or thirty and fifty yards, or about that. I did not measure it.

Q. What became of the men in the stable-yard at whom Heaton was firing, and who were firing at him ?

A. The last I saw of those men they were inside of the stable-yard, or running towards the fence.

Q. Were they going north in the direction of the Lehigh Valley road ?

A. Yes ; toward that part of the place.

Q. Did you see any others there ?

A. I saw three men in front of those outside of the fence ; they were all going in the same direction. I started to run home then.

Q. Did you see anything of Sanger or U'ren that morning ?

A. No, sir ; I did not.

Cross-examination by Mr. Whitehouse.

Q. What time was it when you left your house to go to work ?

A. I cannot tell you any more than between six and seven, by breaker time.

Q. You went down the Girardville road ?

A. Yes ; that is the usual way of going to work.

Q. And you kept on that until you passed by the store?

A. Yes, sir.

Q. And beyond the place where the truck is you left the road and you went behind the men you saw sitting upon the fence?

A. No; but I did not see any men sit on a fence, but on this car timber or sills.

Q. They had their backs to you and their faces toward the road?

A. Yes, sir.

Q. You did not notice anything unusual about their appearance?

A. No, sir; not more than they looked pretty hard to me?

Q. They were dressed up in their clean clothes?

A. Yes, sir.

Q. Did they look any harder than the balance of the men?

A. Yes; the way they had their coats.

Q. Did you see their faces at all?

A. No, sir.

Q. It was their clothes that looked hard?

A. Yes, sir.

Q. What do you mean by looking hard—that they had poor clothes?

A. No, sir; they put me in mind of a couple of men getting off a spree—they looked like old bums.

Q. Where did you go when you passed them?

A. To the carpenter shop and Fisher's.

Q. Did you pass any remarks?

A. Yes; I said there were two old beats, or something like that. I do not recollect exactly the words.

Q. How close did you get to the men?

A. I might be within ten or fifteen feet when I was passing.

Q. When you got into the carpenter shop, did you pass any remarks?

A. I did not get into the carpenter shop. I was at the shop.

Q. When you got there, were there more men about there?

A. Yes, sir.

Q. Did you pass any remarks then about these men?

A. No, sir.

Q. Or anybody else?

A. No, sir.

Q. Was it anything unusual for two men to be around there with clean clothes on in the morning?

A. I do not know as it was. I was not living there very long.

Q. How many men were about there that morning around the whole place, close to these men?

A. I could not tell you.

Q. Was there a hundred?

A. No, sir; I do not think there was.

Q. Was there fifty?

A. I do not know; there might have been somewhere, as near as I can go to it, more than ten and less than fifty. I could not see the powder-house. I mean miners.

Q. Was there a cluster of men sitting around there? Was there a crowd of them in any one place that you noticed?

A. I think there was.

Q. Where did the most of them seem to congregate that morning?

A. Right in front of the carpenter-shop door; there might have been a half dozen or more. I do not recollect exactly.

Q. That is where you went to?

A. Yes, sir.

Q. There were about a half a dozen?

A. There may have been that many.

Q. And that included you three who went there?

A. Yes, sir.

Q. The blacksmith and carpenter shop were in the one building?

A. Yes, sir.

Q. This truck they talk about: was there any railroad there?

A. Yes, sir.

Q. And the truck stood on railroad?

A. No, sir; side of the railroad.

Q. Was it a regular truck or a wreck?

A. It was a wreck; what was a wagon once, and the men used to sit there before going in the mines.

Q. There were two or three hundred people working there in the mines?

A. I do not know the number.

Q. There were over ten?

A. Yes, sir.

Q. And less than one thousand?

A. Yes; I have some idea, but I cannot tell the number.

Q. Give us as near as you can.

A. There might have been thirty men working there for all I know.

Q. How many men could sit around the truck or on the truck?

A. If they were sitting down there might have a dozen.

Q. Did you see Donnelly there that morning?

A. Not to my knowledge.

Q. You saw five men altogether?

A. Yes, sir.

Q. Were you inside or outside of the shop when you heard the shooting?

A. I was outside of the shop.

Q. Could you see the shooting?

A. No, sir; the rock bank prevented my seeing.

Q. Between the blacksmith shop and the powder-house?

A. Yes; and that prevented my seeing the shooting.

Q. But you heard the shooting?

A. Yes, sir.

Q. What did you do?

A. I ran two or three steps to get behind the carpenter shop; I thought that was a safe place.

Q. You were looking out for your own safety?

A. Yes, sir.

Q. You did not run in the way of the carpenter shop?

A. I did not go behind the carpenter shop, but I went towards the carpenter shop, and there was a man calling for a gun—Nick Purcell.

Q. Was there anybody there who would have a gun?

A. Not at that time, but they might have them in the houses.

Q. How far was the first dwelling-house?

A. Charles Heintz's house and Nash's were across the road.

Q. And this man was hallooing for a gun and that stopped you from running back of the carpenter shop?

A. Yes; I ran up to him.

Q. Where was he?

A. On the Mammoth road—on the rock bank.

Q. That was the rock bank that was between the blacksmith shop and the powder-house?

A. Yes, sir.

Q. What did you see?

A. I saw Robert and Edward Heaton firing at some men.

Q. Were they retreating?

A. They were on a stand.

Q. Shooting at each other?

A. Yes, sir.

Q. Tell us where you saw Robert Heaton and this man shooting at each other? (Indicates on map.) How many were standing there?

A. Two. I saw the other three on the other side of this fence.

Q. How far was Heaton away from those two men ?

A. I could not say how far. I should judge it to be forty-five to fifty yards.

Re-direct examination by Mr. Kaercher.

Q. Did you notice any men sitting at the truck when you went down ?

A. There might have been some men there, but I did not notice.

Q. The men whom you did notice were the men sitting upon the car timber and who were strangers to you ?

A. Yes, sir.

Q. How long had you been at Raven Run at that time ?

A. I started to work there on the first day of July, and moved there on the sixth.

DR. GEORGE YEOMANS sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What is your profession ?

Answer. A general practicing physician.

Q. How long have you been engaged ?

A. About eighteen years.

Q. You reside where ?

A. At Ashland.

Q. State whether you attended at the *post-mortem* examination held upon the body of Thomas Sanger and William Uren ?

A. I did.

Q. Upon what day was the inquest held upon the body of Sanger ?

A. It was on the day that he was killed ; I think it was the first day of September.

Q. Describe the wounds you found upon the body of Sanger.

A. The principal wound upon the body of Sanger was in the groin ; the ball struck the groin just a little below the ligament which joins the bone in front and the hip-bone. I believe the direction of the ball was first upward and backward and striking the bone was deflected downward, severing the femoral vein.

Q. State whether this wound was necessarily and almost immediately fatal ?

A. Yes, sir.

Q. State whether any medical appliances, if they had been present upon the ground at that time when he received the blow, could have saved the man's life ?

A. I think not.

Q. Did you find any other wound upon his person ?

A. There was a gunshot wound in the left arm, about two inches and a half or three inches below the elbow ; it was a penetrating wound, but not necessarily a mortal wound.

Q. Did you examine the body of William U'ren after his death ?

A. Yes ; on the following day.

Q. State where the wound was upon his person ?

A. The wound was almost at the same point as Sanger's, only the ball missed the bone and took an upward direction instead of downward ; it penetrated the abdomen and several convolutions of the bowels and passed up into the lung, where the ball was lost.

Q. Was it also a necessarily fatal wound ?

A. Yes, sir.

Cross-examination by Mr. Whitehouse.

Q. How many wounds were upon the person of Sanger ?

A. My recollection of two ; one in the arm and one in the groin.

Q. You say the wound in the groin was a necessarily fatal wound ?

A. Yes, sir.

Q. Is there no case where the same vein was severed and the party lived ?

A. I do not know ; I could not answer that question.

Q. You know of no such case ?

A. No, sir.

Q. Had medical assistance been upon the ground, how long do you suppose Sanger could have lived ; if he had had medical assistance immediately ?

A. I am unable to give an opinion of that kind.

Q. Would he have lived longer had medical assistance been there ?

A. It is very doubtful whether his life could have been prolonged to any extent at all ; certainly not with any hope of success.

Q. He died from hemorrhage ?

A. Yes, sir.

Q. What time did you get there in the morning ?

A. It was in the afternoon, I think. I think the examination occurred about three o'clock ; Dr. Sherman was there upon the ground.

Q. Had they begun to hold an inquest ?

A. No, sir.

Q. Were there any jurors summoned ?

A. I do not know.

Q. Did you assist in holding the inquest ?

A. I assisted at the *post-mortem* examination and Yocum was there.

Q. Uren was still alive ?

A. Yes, sir.

Q. You saw him while he was alive ?

A. Yes, sir.

Q. (Mr. Kaercher) He died sometime during that day ?

A. I am not certain ; we held an examination upon his body the next morning.

J. G. FISHER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaeroher.

Question. Where were you living on the 1st of September, 1875?

Answer. I lived at Tamaqua.

Q. Where were you working on that day?

A. At Raven Run.

Q. How long had you been there at that time?

A. About a day and a half.

Q. What were you engaged in doing there?

A. Putting up a coal and slate separator for Bradford.

Q. Was it at the Cuyler colliery—at Heaton & Company's?

A. Yes, sir.

Q. Who did you board or stop with while there?

A. Hiram Bensinger.

Q. State whether in going to your work in the morning you had to go by Sanger's house?

A. Yes, sir.

Q. Did you go past on that morning?

A. Yes, sir.

Q. At what time?

A. To the best of my knowledge, it was fifteen or ten minutes to seven.

Q. As you passed down to your work did you notice anyone at the truck or in the neighborhood of the Mammoth road?

A. Yes; there were two men sitting at about twenty feet from the car shop on timber.

Q. Did you notice these men at all?

A. Yes, sir.

Q. How were they dressed?

A. They were in their shifting clothes.

Q. In clean clothes?

A. Yes, sir.

Q. Did you notice how they were dressed ?

A. One of them was dressed in light coat, pepper and salt, and a light hat; the other was in dark clothes and cap on, and I think he had a velvet ribbon around his cap.

Q. How wide did that ribbon appear to be ?

A. An inch in width.

Q. What kind of a cap was it ?

A. It was one of these conductors' caps.

Q. Did you observe their faces when you passed them, or their backs ?

A. Their backs.

Q. You passed behind them ?

A. Yes; about ten feet behind them.

Q. Were you on the main road when you passed them ?

A. No, sir; I was on the path leading to the car shop.

Q. Is that the same as the blacksmith shop ?

A. Yes, sir.

Q. Then you had left the main road and passed in behind them on this path ?

A. Yes, sir.

Q. How long after your arrival at the carpenter shop was it your attention was attracted by something else ?

A. It might have been ten minutes, then I heard some shots fired.

Q. How many ?

A. Three or four.

Q. What did you do then ?

A. I stood still at the car-shop door.

Q. What did you do after the shots had been fired ?

A. I did not move from there. The men were running, but I did not move until a man came running down the hill and hallooed for a gun.

Q. Did you know who the man was ?

A. No, sir.

Q. What did you do then ?

A. Afterwards I walked upon the bank to see what was going on.

Q. Where did you come out on the bank; at what point; do you know where the powder-house was?

A. Yes, sir.

Q. Was it east or west?

A. West of the powder-house, I think.

Q. When you came out on the bank, west of the powder-house, did you observe any persons?

A. No, sir. I did not observe anybody but the one man running down the hill, and Bob Heaton firing after him.

Q. Did the man fire at Heaton?

A. Yes. He returned the fire at Heaton, this one I saw.

Q. How many shots were fired at that time?

A. I think there were three shots fired while I got up there.

Q. What became of this man pursued by Heaton?

A. He ran into the cattle-yard and crossed the patch toward the Lehigh Valley road.

Q. Where were they when you last saw them?

A. On the other side of the Lehigh Valley Railroad, on the hill, passing one after the other.

Q. On the mountain back of the Lehigh Valley Railroad?

A. Yes, sir. To the best of my knowledge they turned east when they crossed the railroad upon the hill, or west I mean to say.

Q. That was the last you observed them?

A. Yes, sir.

Q. Was there any one passed down the road with you at the time you noticed the men sitting on this pile of lumber?

A. My boarding boss and my son.

Q. State how those men were sitting?

A. Like this (witness bends over), talking together with their heads down, and their backs toward me.

Q. How were their collars?

A. To the best of my knowledge, their coat collars were turned up.

Q. And they had their hats on?

A. Yes; at that time.

Cross-examination by Mr. L'Velle.

Q. How far from your house did you see these men first?

A. Not until I was perhaps twenty-one or thirty yards from them.

Q. How far was it from where you boarded at Bensinger's?

A. To the best of my knowledge, two hundred yards.

Q. Could you have seen them from Bensinger's?

A. Yes; I could have seen them.

Q. They were in a direct line from Bensinger's?

A. Yes, sir.

Q. How many did you see?

A. I only took notice of two men.

Q. How near did you get to them?

A. Within ten feet. I passed them.

Q. Could you describe their size relatively?

A. I did not notice their heights, but one was a stout man, and the other was a slim man.

Q. As to their ages, how old might they be?

A. I could not tell you.

Q. Did you see their faces?

A. No, sir; I did not see their faces.

Q. Were their faces toward you as you went down?

A. No, sir. They had their backs toward me.

Q. Did they at any time have their faces toward you so that you could recognize them?

A. No, sir.

Q. Did you talk to them?

A. No, sir.

Q. Did they talk to you?

A. No, sir.

Q. How were they dressed?

A. One was in dark clothes, with a cap on with a velvet ribbon on, to the best of my knowledge, about an inch wide.

Q. How tall was that man?

A. To the best of my knowledge, that man might be five feet seven inches.

Q. How tall was the other man?

A. I think he was a little taller than the man with the cap.

Q. What kind of a hat did he wear?

A. A gray slouch hat.

Q. You were summoned as a witness in the Munley case?

A. Yee, sir.

Q. Did you recognize Thomas Munley as one of those two men?

A. No, sir. I could not recognize any of them.

Re-direct examination by Mr. Kaercher.

Q. You said you could not recognize Munley at the last trial or when he was tried; were you able to tell whether or not Munley was one of the men you saw on that board-pile?

A. I could not imagine that he was the man at all. I could not swear that he was the man.

Q. When you came up over the rock bank from the shop, did you see Sanger at the time that Heaton was pursuing this man down the road?

A. No, sir. I did not see him until afterwards. They brought him out the back door of the house and laid him on the porch, and that was after the men were gone.

Q. Did you see anybody taken into Weevil's?

A. Yes; I saw them leading a man into Weevil's. I could not tell who it was; whether it was U'ren or Sanger.

Q. State whether the man they were taking in appeared to be hurt?

A. Yes, sir.

FRANK FISHER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. State whether you were working with your father at Raven Run when this occurrence took place?

Answer. Yes, sir.

Q. How long had you been there before it happened?

A. I do not recollect—three or four days.

Q. Do you recollect the morning upon which Sanger was killed?

A. Yes, sir.

Q. Do you know where he lived?

A. No, sir; I could not tell, for I was a stranger around there.

Q. Did you find out which house he lived in while you were in Raven Run?

A. To the best of my knowledge, I think I did.

Q. In going to your work that morning did you pass that house?

A. Yes, sir.

Q. State whether you passed any strange men that morning?

A. I did; down by the car-shop, sitting on some timber.

Q. Where was that timber?

A. About twenty feet from the car-shop.

Q. When you passed them were you on the road?

A. I was walking back of them; I was on the path.

Q. And they had their backs toward you?

A. Yes, sir.

Q. Do you recollect how they were dressed?

A. No, sir; I do not.

Q. Do you recollect how their heads were covered?

A. No, sir; I did not take particular notice.

Q. Were you able to see their faces at all?

A. No, sir.

Q. Did you hear any shooting that morning?

A. Yes, sir.

Q. How long after you got to the shop?

A. It might have been about ten minutes.

Q. Do you know how many shots you heard?

A. I could not tell; there were so many fired that morning.

Q. What did you do after you heard the shooting?

A. I stood still at the car-shop.

Q. Then what did you do?

A. After that, after the shooting was over, I walked upon the rock bank.

Q. Did you come out near the powder-house?

A. Yes; right on the railroad; on the Girardville Mammoth road, near the powder-house.

Q. Did you see any men at that time?

A. Yes; five upon the other side of the Lehigh Valley Railroad.

Q. How far north of the railroad were they?

A. I could not tell.

Q. Did you see any firing between Robert Heaton and any men?

A. No, sir.

Cross-examination by Mr. Whitehouse.

Q. You were a stranger there?

A. Yes, sir.

Q. Were you not a stranger to all the men you passed that morning and were they not strangers to you?

A. Yes, sir.

ROBERT GREEN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living on the 1st of September, 1875?

Answer. In Girardville.

Q. Where were you engaged at work at that time?

A. At Raven Run, at Heaton's colliery.

Q. How long had you been employed there?

A. I could not positively say; probably six or nine months.

Q. State what portion of the works you were employed in?

A. In the Mammoth vein.

Q. Who was your boss?

A. Thomas Sanger.

Q. He was the inside mining boss?

A. Yes, sir.

Q. Did he have the charge of the employment and discharge of the men?

A. To the best of my knowledge, he had.

Q. Had he the direction of the working of the mines?

A. Yes, sir.

Q. What time did you leave your home on the morning of the 1st of September to go to work?

A. I judge by working time it was some way about six o'clock.

Q. What time did you get to Raven Run, to the colliery?

A. I judge it was something more than half-past six.

Q. What road did you take that morning in going to the colliery?

A. After I left the team road I took the railroad at Wild Cat.

Q. Where did you come out by the colliery?

A. I came up by the blacksmith shop from the railroad. First to the breaker by the railroad, and then from there by the blacksmith shop to the road.

Q. That is the Girardville road?

A. Yes, sir.

Q. After coming into the road did you go by a path that was there from the blacksmith shop to the road?

A. Yes, there is a path from the blacksmith shop up toward the stable, and that was the way I came.

Q. Did you notice any strangers about there that morning?

A. Not at that time.

Q. Where did you move to when you went up to the road after passing by the blacksmith shop.

A. I moved up to a place I generally went to—an old frame of a wagon.

Q. What is called the truck?

A. I judge that is what they call it; it was a truck without wheels or body, only a frame.

Q. State where that stood?

A. It lays by the side of the road, by the side of the Mammoth road, by the track.

Q. State whether it was near or against the place known as the stable-yard fence?

A. I judge that one part of it would be about four feet from the fence—I never measured it.

Q. State whether or not that was a place the men congregated at generally in the morning before proceeding to work?

A. The men that worked there were generally congregated there together before we went to work—that is, the inside miners and laborers.

Q. State whether or not it was on a point on the direct road from Sanger's house?

A. It was direct from Sanger's house.

Q. Was it a point which Sanger would have to pass in going to the inside workings in the morning on this road?

A. Yes; he could come that way, and he generally came that way. That was his customary way.

Q. You did not notice anybody, you say, when you first got there?

A. No, sir; I did not notice any strangers when I got there first; there were men that worked in the place.

Q. Who were some of the men you noticed when you first arrived there?

A. There was a man named Anderson, I think it was William Anderson; and there was Purcell, I think his name is John; I would not say that he was there when I first got there. I could not probably name the persons who were there first, but when the firing took place they were there. There was John Purcell and Alfred Kitto and a man named Richards, and a man named Patrick Foy, I think. I do not know as I could name them all, but I judge there was probably about fourteen (14) there.

Q. Did you know this defendant, Dennis Donnelly, at that time?

A. Yes, sir.

Q. Was he employed in the inside workings of the Heaton colliery, under Thomas Sanger?

A. To the best of my knowledge, he was at that time.

Q. Did you see him about that morning?

A. I could not say that I did. I saw his brother, but I can not say that I saw him—Dennis Donnelly—there.

Q. About how many men assembled in that neighborhood?

A. I judge there was from twelve (12) to eighteen (18).

Q. That is, the men assembled in the neighborhood of the truck?

A. Yes, sir.

Q. State whether you noticed any other of the miners assembling in the neighborhood of the oil-house and powder-house?

A. There were men going to their work, and from their houses to the oil-house and such like.

Q. About how many men were in that neighborhood, say about seven o'clock or a quarter before?

A. That I could hardly tell. Probably there might be a little after that, perhaps about ten minutes to seven, twenty (20) or thirty (30) men about there altogether, or probably more.

Q. How were these men who assembled there dressed—were they in their mining clothes and prepared to enter the mines?

A. There were four men I observed—

Q. I do not mean those men, but the men employed about the colliery?

A. They were all in their mining clothing, so far as I know.

Q. You stated you observed four men: tell us the first man you observed and where he was of those four men?

A. I think they were sitting, two of them alongside of the fence—the stable fence. Two were sitting at the stable, and then the two left the stable and came to the fence and they all sat on the fence—four of them.

Q. You said there were two sitting at the stable?

A. Yes, sir.

Q. Do you know where that timber was?

A. Yes, sir.

Q. Were they as far down as that timber?

A. No, sir; the stable is on the opposite side of the road from the timber.

Q. Nearer to the stable?

A. I can not say that I saw the timber that morning, but in a general way they had the timber lying on the contrary side of the road.

Q. These men were in the neighborhood of the stable and some where opposite to where the timber was kept?

A. Yes; I judge so.

Q. They were sitting against the stable?

A. Yes, sir.

Q. Did you notice any men as you passed by the blacksmith shop by this path?

A. I did not.

Q. How were these two men dressed,—were they there when you got up to the truck?

A. No, sir.

Q. From what direction did they come?

A. I could not say. I did not see them come at all—the first two men, but the second two men I saw come.

Q. The first you saw was they were sitting on the fence?

A. They were by the fence, and when the others approached they all sat upon the fence.

Q. Were they sitting upon the ground?

A. I think the first two were sitting upon the ground against the fence, and when the other two joined them the four sat upon the fence.

Q. How were those men dressed?

A. I did not take notice how they were dressed.

Q. Did you observe anything at all as to the color of the clothing?

A. No, sir; from the fact I thought—

(Objected to.)

Q. Were they dressed in clean clothes, or in working clothes?

A. They were in their dress clothes.

Q. Were they strangers to you?

A. Yes, sir.

Q. Had you seen any of them, to your knowledge, before?

A. No, sir; not to my knowledge.

Q. Did you have an opportunity of seeing their faces?

A. I did not see any of their faces unless it was one.

Q. Why was that?

A. From the fact that they tried to conceal their appearance.

Q. The man whose face you did see,—will you describe him?

A. He had a wild look and pretty savage like, I thought.

Q. What was the color of his eyes?

A. His eyes were very dark and his cheek-bones stood high.

Q. Did you notice any other person in that neighborhood?

A. No, sir; I do not know as I did.

Q. Did you afterwards?

A. I afterwards saw another.

Q. Where did you see him?

A. I saw him running up with his arms extended towards Sanger.

Q. Where was Sanger at that time.

A. Sanger was coming away from his own house and had a conversation with a man named Patrick Daly and I heard the conversation from where I was standing.

Q. Did you see Sanger leave his own house?

A. I do not know as I did, but I saw him after this occurred coming down.

Q. Did you know William Uren?

A. Yes, sir.

Q. Did you see him that morning?

A. Yes; but I do not know as I recognized him that morning until I helped to carry him home.

Q. You saw Sanger coming down and you heard a conversation between him and Patrick Daly?

A. Yes, sir.

Q. Did you notice Patrick Daly before Sanger?

A. Not until I heard the conversation. I think Daly was on the road, but I could not positively say which direction he was coming, but nearer to Mr. Sanger's house than Sanger. Sanger was coming in my direction.

Q. What did Daly say to Sanger?

(Objected to.)

MR. KAERCHER:—It is a part of the *res gesta*; it may account for Sanger's conduct there.

Q. When Daly spoke to Sanger, did he stop?

A. Sanger turned around and replied.

Q. How soon after Daly spoke to Sanger was it you noticed the man advancing with arms extended toward Sanger?

A. A very short time—probably it might be a minute.

Q. What happened when you saw this man advancing?

A. When I saw this man advancing, I heard a shot.

Q. Who fired that shot?

A. I could not say the man who fired the shot. I saw a man with his arms extended and I judged that he had something in his hand. I heard the report of shot and Sanger turned around and ran sidewise this way (indicating) and looked at the man that was advancing toward him, and Sanger ran up toward his own house.

Q. What did this man do who followed and had his hands extended?

A. I do not know, but I judge that Sanger fell, and after he fell they were out of my seeing or knowing altogether.

Q. How far did Sanger get away?

A. I judge that he might have run ten yards, to the best of my judgment; then I lost sight of him; he seemed to fall and get out of my sight.

Q. How far down had Sanger come when this man met him?

A. I think he was near to Mr. Williams' block; that is the second block from the truck.

Q. State whether the first block above the Mammoth Vein Railroad is Nash's block?

A. Yes, sir.

Q. The second Williams', and the third Sanger's?

A. Yes, sir.

Q. And he had not got past Williams' block when this man met him?

A. I think he had not; I judge so.

MR. KAERCHER:—We propose now to prove by the witness the remark made by Daly to Sanger as part of the *res gestæ* of the occurrence, and for the purpose of showing that the inquiry addressed to Sanger at that time pointed out and designated Sanger as the person in charge of the mines.

MR. L'VELLE:—Defendant's counsel object that it is not competent testimony, the offer not alleging that it will connect this defendant in any wise with the presence of the killing on that morning, nor does it propose to bring home a knowledge of such conversation to the defendant upon trial.

THE COURT:—So far as connecting this defendant with it, it is not offered for that purpose, and would not do that at all.

(Evidence admitted. Exception taken by defendant Bill sealed.)

C. L. PERSHING. [SEAL]

Q. What did Daly say?

A. He made some remark about the breaking of a door that had been broke. I could not give the words exactly. He said a door was broke at a certain place in the mine.

Q. He told Sanger there was a door broke at a certain place in the mine?

A. Yes, sir.

Q. State whether this man who advanced upon Sanger with his arms extended was between you and Daly and Sanger at the time that this conversation took place?

A. I saw the man afterwards going forward to Sanger with his arms extended; he was between Sanger and me—the man was at that time.

Q. And you were able to hear the conversation?

A. Yes; I was able to hear the conversation of Daly and Sanger. I judge I was about seventy-five (75) yards away.

Q. Was it in a loud tone?

A. Yes; it was in a loud tone.

Q. State whether it was the duty of the mine boss, such as Sanger was, to have the doors repaired when they were broken?

A. I know that it is the duty of the mine boss to repair the doors.

Q. After this shot was fired did you notice what became of the four men who were at the fence?

A. I did not. I saw them afterwards. I did not see them coming from the fence, but afterwards on the road firing, as I judge, to scare the people away between where Sanger was shot and where I was.

Q. They were in the road?

A. Yes, sir.

Q. What were they firing with?

A. They had revolvers.

Q. Did you notice how many?

A. I could not say. I saw one. It was a short revolver.

Q. How many shots were fired?

A. I could not say; a great number.

Q. Did you hear them say anything?

A. Yes; one man says, "Clear, clear," twice, distinctly to me, with his revolver pointing to me.

Q. How close to you?

A. From fifteen to twenty-five yards.

Q. What became of the miners and laborers assembled in that neighborhood?

A. At the time the man approached me I heard a man say "Oh, my God!" and I looked around, and when I looked around I saw nobody but him and Alfred Kitto; the rest had left unknown to me, because my attention was directed up above; there was only this John Purcell and Alfred Kitto left there, and Purcell seemed to be in a very scared condition, and I judge I was too. I looked again at the man who was advancing on me, and he still proceeded in coming forward, and when I turned around everybody was going and I took for the back part of the stable, and I found them there over the hay-loft. I found them there with four or five more.

Q. Did you hear any firing after you went in?

A. I could not say I did. I told the men to arm themselves and defend ourselves. I did not know but they would follow us. We got sticks from the hay, came down, and I believe some of the rest followed me, and I went on to the road, and when I went on to the road they were going up towards the Lehigh Valley Railroad. They were opposite a little house there, not up as high as the railroad yet.

Q. How many men were going up by the railroad?

A. I noticed three. I could not say I noticed five.

Q. Were they in the open, or was it covered with timber and brush?

A. It was open enough to see them, but there were houses that obstructed the view.

Q. Where did you go after that?

A. Into the middle of the road and asked were the men were now. I went and saw Sanger lying inside of Weevil's house.

Q. State whether Mrs. Sanger had got there at that time?

A. I think she had.

Q. Did you see Sanger?

A. I did.

Q. Was he alive when you got there?

A. He was alive, but he lived only a very short time.

Q. Did he die while you were present?

A. No, sir. I came out to see where the other men were and I returned right back and he was dead. Then after I came out again I helped to carry in William U'ren to Sanger's house.

Q. Whereabouts did you find U'ren?

A. Somewhere about half-way between the breaker and this house of Weevil's.

Q. State his condition when you found him.

A. He could not stand. We raised him up and he said he was shot and complained.

Q. Did you find he had been shot, or wounded?

A. He had been wounded.

Q. Was there any hemorrhage from the wound at that time?

A. I could not say; we did not examine him. I took him to his house.

Q. How long did he live afterwards?

A. I think he died about eleven o'clock that night. I would not say positively, but I think so.

Q. Was Uren lying on the ground at the time you found him?

A. Yes; he was lying on the ground. He could not walk.

Cross-examination by Mr. L'Velle.

Q. Can you tell me what time it was that you left your house at Girardville that morning?

A. Somewhere abouts six o'clock, by working time, to the best of my knowledge.

Q. Is the working time of Girardville similar to that of Raven Run?

A. No; they vary in their times; sometimes ten minutes before us, but it is not all the time that way.

Q. Which do you think on this occasion was the faster?

A. I could not say. I told you about Raven Run how near it was to seven o'clock when the occurrence took place.

Q. How near to seven o'clock was it by Raven Run time?

A. To the best of my knowledge, about five minutes, or inside of that.

Q. Did you have a watch upon your person at that time?

A. Yes, and I looked at it that morning; that was the Raven Run time,—the time we started work on.

Q. What did you regulate your watch by at Raven Run?

A. I kept it as near the time as possible.

Q. What time does the whistle blow there in the morning?

A. Seven o'clock.

Q. How long after you got there did the whistle blow that morning?

A. I do not think it did blow at all.

Q. Did you hear the whistle blow that morning?

A. I do not think it did blow at all.

Q. Do you know whether it blew that morning at all?

A. I do not think it did.

Q. Are you sure?

A. I am not sure, but I do not think that it did.

Q. You passed by Sanger's house on your way to the colliery?

A. No, sir.

Q. How far below Sanger's house did you pass, or how near?

A. Something probably over one hundred (100) yards from Sanger,—I think it is from Sanger's house to where this wagon lies, and that was the nearest I was to it. It might be more than that.

Q. How far from Weevil's?

A. It is a little shorter distance.

Q. Were you standing at the truck when you saw Sanger first?

A. Standing and looking to see him come down. I saw him on the road coming down by the side of the fence.

Q. How near to his house was he at that time?

A. He had not got far from his house—it might be ten yards.

Q. How far is Sanger's house from the truck?

A. I should judge about one hundred yards, or a little more.

Q. Which direction did Daly come from?

A. That I could not tell you exactly. Daly was on the middle of the road when the conversation took place.

Q. Was he quite near to Sanger?

A. Not very near; perhaps ten yards or so on the main road.

Q. Was Sanger on the main road?

A. No; Sanger was coming down by the fence and the sidewalk.

Q. And Daly was on the main road?

A. Yes, sir.

Q. Nearly in a line with him?

A. He was farther up—farther from the truck.

Q. Then he was behind him?

A. Yes, sir.

Q. How far behind him?

A. Probably ten yards.

Q. And they were both coming in the direction of the truck?

A. I could not say that, but Sanger was.

Q. What direction was Daly going?

A. He was on the road. I could not say positively. I could hear his voice when the conversation was going on. I saw Daly there.

Q. At the time he was talking to Sanger?

A. Yes; he was on the road.

Q. Which direction was he going?

A. I could not tell you whether he was going or coming. To the best of my knowledge, he was standing when he had the conversation with him.

Q. Was he in his working clothes?

A. That I could not hardly say.

Q. Could you have recognized Mr. Daly's person or physique from the truck?

A. I think I could.

Q. Did you recognize his physique?

A. I knew it was him by his voice.

Q. Did you recognize him by his features?

A. I recognized it was Daly from his physical appearance. He was a large, big man, and I knew it was him, and the voice assisted me to recognize him.

Q. You knew him well?

A. Yes, and I do to-day.

Q. Do you think you could have recognized him by his voice without the physical appearance?

A. I think I could.

Q. You say that his features and face assisted you to recognize him?

A. Yes; the one and the other. I had no difficulty in doing it.

Q. He must have spoken very loud?

A. Yes; so he did.

Q. Is it an unusual thing for a miner to inform the boss of any accident that occurred in the mines?

A. I judge it was not, from the fact that any miner working on a night-shift, if a door was broke, it was his duty to go and tell the boss that such an accident occurred.

Q. Do you know whether Daly was on the night-shift or not?

A. From conversation, I judged that he was.

Q. How soon after the conversation between Daly and Sanger did you recognize the men standing in front of Nash's?

A. I did not say that I reconized any men standing in front of Nash's. I think not.

Q. Then did you see a man standing in front of Nash's about the time that Mr. Sanger and Daly were talking?

A. I cannot say that I did. I saw a person going toward Sanger, with his arms extended, in front of Nash's, or somewhere about there; his back was toward me.

Q. He was going from the direction of the truck toward Nash's?

A. Yes, sir.

Q. And approaching Sanger?

A. Yes, sir.

Q. Did you recognize the man before you heard Daly's voice?

A. I do not think I did.

Q. You do not know whether he was standing there or whether he came out of a place he had secreted himself?

A. He might—I saw him running.

Q. Did he look as if he came from the truck?

A. He did not come from the truck, but he came from that direction.

Q. He appeared to be running from the truck toward Sanger?

A. Yes, and on the team road.

Q. How far from him?

A. Fifty (50) or sixty (60) yards.

Q. And how near to Sanger?

A. When I saw him first he might have been ten yards (10).

Q. How far had Sanger got before he was fired upon?

A. Somewhere near the second block.

Q. How many yards?

A. Probably sixty-five (65) or seventy (70) yards or perhaps seventy-five (75). I could not say positively.

Q. Then you said that the party whom you saw running toward Sanger was fifty (50) yards ahead of you; then Sanger came some sixty-five (65) yards from where he was standing toward the truck before he was attacked?

A. I do not think he did.

Q. How many yards did he approach the truck?

A. He had approached within a few yards of Mr. Williams' block.

Q. Did you see anything in the hands of this man when he was approaching Sanger?

A. No, sir; I could not say that I did. It was too far to make out that he had a revolver.

Q. How was that man dressed?

A. I could not say. He had a light coat on.

Q. And a hat or cap on?

A. I could not say as to his dress.

Q. The other four men were standing near the truck?

A. Yes; to the best of my knowledge. They were sitting at that time, I think, while he was approaching.

Q. And they were sitting behind you?

A. Yes, sir. I was sitting between these men and Sanger. Four of them.

Q. In a direct line was it?

A. Pretty near.

Q. How near to these men were you at the time?

A. I judge they were not above twelve (12) feet from me. The four were sitting upon the fence rail.

Q. In a line?

A. About as near as they could. They were all in one line.

Q. You were examined as a witness in the Munley case?

A. Yes, sir.

Q. And you then swore that you recognized one of these men?

A. Yes, sir.

Q. And you only swore that the man whom you recognized was the man in court?

A. Yes, sir.

Q. That was Charles McAllister?

A. Yes, sir.

Q. You were a witness in the Munley case?

A. Yes, sir.

Q. In which Munley was tried for the murder of Sanger?

A. Yes, sir.

Q. You were taken over to the prison?

A. Yes, sir.

Q. Before the trial?

A. Yes, sir.

Q. Who accompanied you ?

A. I think one of the police-officers. John Green, I think.

Q. Green, of Girardville ?

A. Yes ; I think so.

Q. How long before the trial of Munley ?

A. I could not tell you that hardly.

Q. You saw a person in the prison ?

A. Yes, sir.

Q. Whom you recognized as one of the five men who were at the shooting ?

A. Yes, sir.

Q. Where did you next see that person ?

A. I saw him in this court-house.

Q. Do you now know who that person was ?

A. I do.

Q. Who is it ?

A. Charles McAllister.

Q. Who was indicted along with Munley for the murder ?

A. Yes, sir.

Q. Do you know where McAllister is now ?

A. No, sir.

Q. Do you not know he is living at Girardville ?

A. No, sir ; but I understood he was in Mahanoy City.

Q. He is out of prison ?

A. Yes, sir.

Q. And has not been tried for that murder ?

A. No, sir.

Q. Did you not swear positively to the absolute and unqualified identity of that man as being one of the murderers of Sanger and Uren in the last trial in this court-house ?

A. Yes, sir.

Re-direct examination by Mr. Kaercher.

Q. Do you think you swore to that at the trial of Munley ?

A. Yes, sir.

Q. That McAllister was one of the men ?

A. Yes, sir.

Q. You think you did ?

A. Yes, sir.

Q. Have you ever read over your testimony in that case ?

A. No, sir ; under the circumstances I was pretty well satisfied, and I was the more convinced in my mind.

(Objected to by defendant's counsel.)

Q. You stated you did recognize a man in jail as being one of the men that you thought was there that morning ?

A. I did.

Q. What was the name of that man ?

A. I have learned since that his name was McAllister—Charles McAllister.

Q. Tell us what sized man he was ?

(Objected to.)

MR. KAERCHER:—We propose to prove, on behalf of the Commonwealth, by the witness, upon re-direct examination, that the person he recognized was a man by the name of Charles McAllister, in order to account for the witness' recognition of Charles McAllister as one of the persons engaged in the shooting; we propose to follow it up by proof to show that McAllister had a brother by the name of James McAllister; that there was a marked resemblance between them as to their features, which would account for the mistake of the witness, and to follow it up with evidence then that James McAllister was one of the men who were concerned in the attack.

MR. L'VEILLE:—The defendant objects, upon the ground that the witness upon the stand absolutely and unqualifiedly

swore to the identity of Charles McAllister in the case of the Commonwealth *vs.* Thomas Munley, in which the witness on the stand was a witness for the Commonwealth; further, the witness then having no doubt in his mind as to the identity of the said McAllister, he cannot in this case give the reason why he swore to the identity of the said McAllister.

THE COURT:—The effect of the cross-examination is to go to the credibility of this witness upon the ground that on a former trial he identified Charles McAllister as one of the parties engaged in this transaction, when, as a matter of fact, he was not there. It is a question as to the credibility of this witness under all the circumstances; if he has since become satisfied that he was mistaken he has a right to correct it. We will allow the witness to explain.

(Exception taken by defendant.)

Bill sealed.

C. L. PERSHING. [SEAL]

Q. State whether you, at the time of this attack, had any personal knowledge or acquaintance, or had seen Charles McAllister before?

A. I had never before, to the best of my knowledge. I had never seen Charles McAllister or his brother before.

Q. Were you acquainted with a man by the name of James McAllister?

A. No, sir; not in the least.

Q. Did you know of the existence of any such man as James McAllister, the brother of Charles?

A. I do not think I did, nor I did not.

Q. Had you ever seen the two men together?

A. I have not.

Q. This man that you recognized, can you give us a description of him?

A. He was a man, I said in the first here, from five feet seven to five feet nine inches in height, well built and

stout; the man that approached me, he was was stoutish built, and had a bad appearance about the eyes.

Q. You said that you thought that on the trial of Munley that you stated that you recognized McAllister as one of the men?

A. I did.

Q. You think you so stated?

A. I think I so stated.

Q. Have you ever examined your testimony from that time to this, to see whether you did?

A. I have never examined my testimony, but my course seemed to be so straight before me that I did not need to look at the testimony.

Q. (Mr. L'Velle.) It would have been too late for you to discover at this late day that you had made a mistake?

A. Certainly it would. I would have been very sorry for it if it had been the cause of any innocent man's death, and I feel sorry to-day that I should have been so mistaken, but I was sincere in it.

MRS. MARY WEEVIL sworn on behalf of the Commonwealth.

Direct examination by Mr. Kuercher.

Question. Where do you live?

Answer. At Raven Run.

Q. Where were you living on the 1st of September, 1875?

A. At Raven Run.

Q. What was your husband's name?

A. Robert Weevil.

Q. State whether you recollect the day that Sanger was killed?

A. On the 1st of September.

Q. Did you notice anything before the shooting began?

A. No, sir.

Q. Where was your husband at the time of the shooting?

A. He had gone to the breaker to blow the whistle.

Q. What was his position there?

A. Outside boss.

Q. How long had he been gone at the time the shooting took place?

A. I do not think longer than just time to go over.

Q. Where were you when the shooting began?

A. I had just got to the door.

Q. Where was the firing?

A. Down toward the Mammoth road.

Q. Did you come outside to look at it?

A. I came to the door.

Q. What did you see when you looked at it?

A. I saw Sanger up the road, and a man after him.

Q. Where was Sanger when you first noticed him?

A. When the shooting began he was just by Nash's.

Q. Where was the man that you saw running after him?

A. Coming behind him.

Q. Did you know William Uren?

A. Yes, sir.

Q. Did you see him?

A. Yes, sir.

Q. Where was he?

A. Just at the corner of my house; that was before the shooting, though; I did not see him afterwards.

Q. Where did Sanger go?

A. He ran up past my house; he was on the main road, and ran past the front of my house.

Q. Did you see the man pass your house?

A. The man passed by the back of my house.

Q. Did you notice more than the one man?

A. Yes; I saw two.

Q. What was the other man doing?

A. Running up after Sanger, too.

Q. Where did you go, or did you remain at the door?

A. I was at the door when he went past, and then I ran into the house—that is, the one that passed by the back of the house.

Q. Where did you go then?

A. I ran up-stairs.

Q. Did you hear any shooting after that, or at that time?

A. I heard the shooting at the back of Blackwell's.

Q. Blackwell lived in the other portion of the same building you lived in?

A. Yes, sir.

Q. How many shots did you hear fired altogether?

A. I do not know.

Q. You could not tell?

A. No, sir.

Q. How long did you remain up-stairs?

A. I came right down again. I ran up for some revolvers, and came right down again.

Q. Who did you see then?

A. Mr. Sanger; he had come into my house.

Q. Whereabouts did you first meet him?

A. At the door, coming into the room; he had been in the shanty, and was coming into the other room, into the big room that might be called the kitchen.

Q. What was his condition when he came in?

A. I do not know; he was falling over when I saw him—just falling back.

Q. Did you take hold of him?

A. Yes, sir; took hold of him by both of his shoulders.

Q. Were you able to sustain him?

A. No, sir; he was too large a man.

Q. Was he bleeding?

A. Yes, sir.

Q. Where did the blood come from?

A. From the groin.

Q. How long did he remain at your house?

A. I could not tell how long—until he was taken away.

Q. Did he die in your house?

A. Yes, sir.

Q. How long after you met him?

A. Some fifteen (15) or twenty (20) minutes—about that.

Q. Did you notice anything further of these men who were shooting?

A. Not just at the time, because I was attending to him.

Q. Did you shortly afterwards?

A. Yes; I saw the two run back again toward Williams'.

Q. The two men that came after Sanger?

A. Yes, sir.

Q. Did you see Robert Heaton there?

A. I saw him come into my house.

Q. Did you see any of the firing that took place between him and these men?

A. No; I do not think I did. I do not recollect.

Q. Did you see your husband at all?

A. Yes; he came in for a gun.

Q. Where was Sanger at that time?

A. I do not know.

Q. Was he in the house at that time?

A. I do not recollect whether he was in or not.

Q. You say that Sanger ran by the front of your house?

A. Yes; the man that came up; one went one way and the other went the other way. The second man that came up after Sanger passed in front of the house.

Q; Where was it you heard the shots?

A. Back of Blackwell's.

Q. Who lived in the next block above Blackwell's?

A. Mr. Sherman.

Q. Which side of the house did Sanger come in?

A. I traced the blood around the house, and it came into the side door.

Q. Whereabouts was the blood?

A. You could trace it all around the house. I did not want to go around to Blackwell's; but as far as Blackwell's shanty. I did not go around to the street.

(No cross-examination.)

JOHN ARNOLD sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living on the 1st of September, 1875?

Answer. At Girardville.

Q. What was your business?

A. A carpenter.

Q. What portion of the works were you engaged at work at?

A. At the Girard Mammoth Coal Company.

Q. That was Ormrod's?

A. Yes; opposite Heaton's.

Q. Did you observe any stranger there that morning?

A. We were sitting above the blacksmith shop, a little piece between the breaker and our shipping office, and there were two or three more there, and there were two fellows walked up from Heaton's, and I said—(Objected to)—one looked like Mike the fighter, and I said—(Objected to.)

Q. Where were you at the time?

A. I was where I stated, between the shipping office and the blacksmith shop of Ormrod's, about fifty yards from the men.

Q. You know where the timber was usually kept along there?

A. Yes; just opposite that timber they got on the road—there was an old car, and between that and the timber I observed them, and from there up toward the stable. I saw them going up.

Q. Did you notice what they did then when they got to the stable?

A. I think one of them pulled his cap a little down over his face, and the other had his hat pulled down as if to conceal his face. One was in a dark suit with a black cap on, and the other had on dark pants with a gray coat, gray and black slouch hat pretty well colored.

Q. State whether before they moved up to the stable they were nearer to the blacksmith shop than before they moved?

A. Yes, sir.

Q. They moved up in the neighborhood of the timber toward the stable?

A. Yes, sir.

Q. About what hour was this?

A. It was, as near as I can judge, about eight minutes to seven in the morning.

Q. State whether they wore mining clothes or clean clothes?

A. They looked like shifting clothes.

Q. Did you observe any other strangers besides these two men?

A. Not at that time.

Q. How soon afterward was your attention directed to any occurrence?

A. They went up to where the men were sitting at the broken car, and they got into a crowd there, and I paid no attention to them any more. Then I heard some shots fired up in that direction, and then I saw the men and boys run in all directions; they were coming down toward me too.

Q. Did you see where these men were firing these shots?

A. Yes; they were standing right below Nash's house; and they were firing to clear the crowd away.

Q. Did you see any of the shooting that occurred with relation to Sanger?

A. No, sir; the rock bank and the hollow in the hill prevented my seeing.

Q. What did you do?

A. I just got up and stood on the plank that was there.

Q. Did you remain standing there?

A. I did not stay there long, but walked up towards the shipping office, and then this man ran up against me and told me to help him up; it was an Englishman, and I think he was not shot but just scared.

Q. He was not shot at all?

A. No, sir.

Q. What became of these parties afterwards?

A. This one man was shooting and had two revolvers and hallooed "Let ye's clear, let ye's clear." Then Heaton came down and exchanged shots and he returned back to the stable. When they got to the other side of the stable, there was three more sprang up and then they made up to the Lehigh Valley Railroad to the bush.

Q. You saw them go into the bush?

A. Yes, sir.

Q. How many together?

A. Five (5).

Q. What was the nearest you got to any of these men?

A. I think some fifty (50) yards, more or less.

Q. Were they strangers to you?

A. They were all strangers to me.

Q. Did you ever see them before, to your knowledge?

A. No, sir.

Cross-examination by Mr. L'Velle.

Q. The man that interchanged shots with Heaton, had he two revolvers?

A. Yes, sir.

Q. That man wore black clothes and a black cap?

A. Yes, sir.

(Recess for half an hour.)

Afternoon Session.

WILLIAM ANDERSON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you employed on the first day of September, 1875?

Answer. In Raven Run.

Q. What was your business?

A. Mining.

Q. At what colliery?

A. Mr. Heaton's colliery.

Q. What time did you go to work on the morning of the 1st of September?

A. I went down about twenty minutes before seven o'clock.

Q. Which direction did you live from Mr. Sanger's?

A. It was up, about the middle of the patch.

Q. West of Sanger's?

A. Yes, sir.

Q. Going to your work would you go down the main road, past Sanger's house?

A. Yes, sir.

Q. Did you go down that morning that way?

A. Yes, sir.

Q. Did you notice any strangers as you passed down the road?

A. Yes, sir.

Q. Whereabouts were they?

A. Right in front of Charles Heintz's house, the last block.

Q. Is that where Nash lived?

A. Yes; the same block.

Q. You noticed some men when you got to that point?

A. Yes, sir; there was a tall man, who stood about five feet ten, I think, and he was a stranger to me.

Q. You never had seen him before?

A. No, sir.

Q. How far was he from the Mammoth road—the road that crosses the turnpike there?

A. It might be forty (40) or fifty (50) yards.

Q. How was he dressed?

A. He was in a dark brown coat faded with the sun, it was buttoned up to the neck by one button, and slouch hat—brown slouch hat on and gray pants of heavy cloth.

Q. What did he do as you approached him?

A. As I passed he came in toward me and stopped me, and says he, "Do you want any laborers?" Says I, "No!" and says I, "Perhaps there may be some that does want laborers, for anything I know." Then he asked me if the boss come down, or if I had seen the boss, and I said "No." He asked me if he had come down, and I said I did not know whether he had or not. Then he turned right round and said, "Well, I will wait on him."

Q. Did he make any remark as to whether it would be long before the boss came down?

A. No; I do not recollect that.

Q. How far down did you go?

A. I went down to the Mammoth road where this old truck lay, and I sat down there, as that was the usual place to sit down.

Q. Did you observe any strangers about there?

A. I saw two sit on the stable fence.

Q. Was it back of the truck?

A. Yes; back behind us.

Q. Were you able to observe their faces?

A. No, sir.

Q. Why not?

A. I did not take any particular notice of them.

Q. Where did you go to from that point?

A. I went from there to the hoisting engine-house at the breaker. I was not many minutes there, and was just going to the engine-house, when I heard a shot fired.

Q. How many did you hear?

A. Probably I might hear three or four, but there were so many right together, or one after the other, that I could not say; but I heard three or four distinctly.

Q. Did you look back in the direction of the shooting?

A. Yes; I observed one of those men running up the road toward Mr. Sanger's.

Q. Did you notice whether he had anything in his hand?

A. He had two revolvers in his hands.

Q. Where did you go then?

A. I went off to see my bog.

Q. Near what house was Sanger when you saw him retreating?

A. About Mr. Williams'; about in front of the house.

Q. Was the man running after Sanger with two pistols the same man stopped you and asked about the boss?

A. Yes; he was the man I was speaking to at that time.

Q. Did you see any of the shooting that took place between Heaton and any of the men?

A. No, sir.

Q. Did you know Dennis Donnelly at that time?

A. Yes, sir.

Q. Was he engaged in the mines there?

A. Yes, sir.

Q. Did you see him there that morning?

A. I did not put my eyes upon him.

Q. Did not take any notice of him?

A. No, sir.

Cross-examination by Mr. L'Velle.

Q. You say that this man that you saw with the two pistols in his hand was about five feet ten inches?

A. Yes; to the best of my knowledge.

Q. How near were you to him?

A. Right close to him; he was within a yard and a half of me, I guess; he came right to me.

Q. Was he dressed in his shifting clothes?

A. Yes, sir.

Q. You say that was the man you saw exchange the shots with Heaton afterwards?

A. No, sir; I did not say exchange shots with him at all.

Q. Did you recognize any of those men?

A. No, sir.

Q. Did you recognize them afterwards?

A. Yes; the man I spoke to. I could recognize him if I saw him.

Q. Did you not recognize him in prison?

A. No, sir.

Q. You never saw that man since, to your knowledge?

A. No, sir.

Q. Or any of the five, to your knowledge?

A. No, sir.

RICHARD ANDREWS sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living in September, 1875?

Answer. In Raven Run.

Q. How long had you been living there?

A. I came there in the latter part of January of that year, 1875.

Q. State whether you recollect the morning that Thomas Sanger was shot?

A. Yes, sir.

Q. What part of the place did you live in?

A. I lived west of Thomas Sanger's house.

Q. State whether, in going to your work, you passed down the Girardville road and go by Sanger's house?

A. Yes, sir.

Q. Were the miners in the habit of collecting at the truck before going into the mines?

A. Yes; those who worked in the Mammoth vein.

Q. Was that the usual direction taken by Sanger in going to his work, to go down by the truck?

A. Yes, sir.

Q. What time did you go to your work that morning?

A. About a quarter to seven o'clock, I think.

Q. Did you go down alone to your work that morning?

A. About a quarter to seven o'clock, I think, I went down alone until I came to Mr. Sanger's house.

Q. Did you see any person on the road as you proceeded down?

A. I did not notice any person at that time.

Q. State whether or not you saw Sanger come down out of his house?

A. Yes; he came out alone.

Q. Did anybody come out after him?

A. William Uren came out a little after him.

Q. What did Sanger do when he came out?

A. He walked down to the road toward the Mammoth track.

Q. What did Uren do?

A. He came out and Uren and I walked down together.

Q. Sanger was then ahead of you going down the road?

A. Yes. I should judge ten yards, more or less.

Q. What was the first thing that attracted your attention as you were going down the road in that order?

A. Uren and I were going on together. Just as Uren came out of the house we walked down until Thomas Sanger got down to the lower part of Mrs. Williams' block, she lived in the lower portion, and then he was met by a man who opened fire upon him.

Q. Did you meet a man by the name of Daly?

A. Daly was behind me.

Q. Was anything said by Daly to Sanger?

A. Yes; he called out to Sanger and told him that the breast men had left a car run and it smashed a door.

Q. Did he use Sanger's name?

A. I think he called out, "Tom, the breast men left a car run and it smashed the door."

Q. You were between Daly and Sanger at the time that Daly said this?

A. Yes, sir.

Q. Had Daly passed by Sanger?

A. No, sir.

Q. Was he coming down the road?

A. No; he was coming down behind, and he called out "Tom, the breast men left a car run and smashed a door."

Q. Was it called out in a loud voice?

A. In a pretty loud tone.

Q. Did Sanger make any reply?

A. He made some reply; what it was I do not know.

Q. How soon after Daly had called out to Sanger what you have stated did you notice this man down below Williams'?

A. I did not observe him until I had passed on, perhaps, a yard or so. I did not notice the man until he just commenced firing.

Q. How soon was it after Daly had called out?

A. It was no time at all; just as he had been talking, this man presented to him and fired.

Q. Just as the conversation was, he presented his pistol and fired?

A. Yes, sir.

Q. How many pistols did he have?

A. He had two.

Q. How close were you to that man at that time?

A. So far as from here to the further end of this first table here to Sanger (indicating Commonwealth's counsel-table), and the man that was front of him was three or four yards further.

Q. You were about as far from Sanger as to where Mrs. Sanger sits now? (About fifteen feet, Rep.)

A. Yes, sir.

Q. And the other man was three or four yards further from him?

A. Yes, sir.

Q. What did Sanger do?

A. I do not know. I turned and ran, and Uren ran towards Sanger, and I ran towards the breaker.

Q. Did you look back until you got to the breaker?

A. No, sir; I went behind the engine-house of the breaker and came back again.

Q. Then what did you observe?

A. I met Uren coming from the road and he said he was shot, and I asked him where, and he pointed to his thigh. "I said you are not hurt much, let us see where Tom is," and I went back and into Mrs. Weevil's.

Q. When he said he was shot, how far had he got toward the breaker—half-way?

A. Yes; more than half-way to the breaker.

Q. Did you afterwards see Uren on the ground there?

A. I did not see him any more until he was carried home to the house.

Q. When you got to Weevil's house was Sanger inside?

A. Yes; sitting on the floor.

Q. Was he alive then?

A. Yes; his wife had not come.

Q. Did you remain inside?

A. No, sir; I just went into the room and looked at him and went out again.

A. Did you, after you came out of the house, observe anybody?

A. I saw Mr. Heaton exchanging shots with some men who were close by the Mammoth track.

Q. Did you go down there?

A. No, sir; not at that time.

Q. Did you see what became of those men with whom he was exchanging shots ?

A. They ran up over the pipe line of the Lehigh Valley road. There were five men ; one had a brown coat on, that I saw ; but how the rest were dressed I do not know.

Q. Did you, before this man opened fire upon Sanger in the road, observe any other strange men there ?

A. I saw one right behind him.

Q. Behind this man that opened fire upon Thomas Sanger ?

A. Yes, sir.

Q. Did you see Donnelly there that morning ?

A. No, sir.

Cross-examination by Mr. L'Velle.

Q. You knew Donnelly ?

A. Yes ; I knew him.

Q. Did you see him there that morning ?

A. No, sir.

Q. What was his business there ?

A. He was a miner.

Q. And worked there ?

A. Yes, sir.

Q. You were examined as a witness in the case against Thomas Munley ?

A. Yes, sir.

Q. You stated there that you recognized one of these men ?

A. Yes ; I did.

Q. You stated that the man who you recognized was not Thomas Munley ?

A. No, sir.

Q. You stated you had seen the man since the day of the killing ?

A. Yes, sir.

Q. Where did you see him ?

A. Over in the jail.

Q. Did you know who the man was ?

A. It was one of the McAllister's, I think.

Q. And that is the man you swore you recognized ?

A. Yes, sir.

Q. As being there that day ?

A. Yes, sir.

Q. Where is that McAllister now ?

A. I do not know.

Q. He was indicted with Munley for this murder ?

A. I think he was.

Q. Was it before the trial you recognized him ?

A. Yes, sir.

Q. How long before ?

A. I can not tell you ; a good while before.

Q. Did you recognize him during the trial ?

A. I did not see him in the early part of the trial.

Q. How often did you see him since the killing and during the trial of Munley ?

A. I think I saw him twice,—once in the cell in the prison, and once here in the *habeas corpus* hearing.

Q. Was that the man that had the two revolvers ?

A. I think so.

Q. And the man whom you passed that first opened fire upon Sanger ?

A. Yes. I recognized him as that man at that time.

Q. You recognized that man as McAllister whom you saw in prison and in the *habeas corpus* hearing in court ?

A. Yes, sir.

Re-direct examination by Mr. Kaercher.

Q. The man you recognized, or thought you recognized as one of the men, tell me what kind of a looking man he was ?

A. I was confident at the time that he was the man.

Q. Give me a description of him in size and appearance ?

A. He was a pretty good-sized man ; but I could not tell the exact height, for he was a little stooped when he fired, and it was only a glance I saw of him.

Q. Was Sanger between you and the man when he fired ?

A. Yes, sir.

Q. You had but a glance at him ?

A. Yes, sir.

Q. What was his complexion ?

A. He was light complexion. He seemed to be a pretty stout man, but stooped, so I could not tell about his height.

Q. Did you ever meet that man before ?

A. No, sir.

Q. Did you ever meet a man named James McAllister, said to be the brother of Charles ?

A. No, sir.

Q. Never saw them together or apart ?

A. No, sir.

SAMUEL ROBERTS sworn on behalf of the Commonwealth.

Direct examination by Mr. Kuercher.

Question. Do you recollect the day that Sanger was killed ?

Answer Yes, sir.

Q. Where were you living at that time ?

A. On Johnson's side, or Ormrod's side, as we call it.

Q. In the neighborhood of the rock bank ?

A. I lived over from the stable, on the upper side of the rock bank.

Q. Did you hear the shooting that morning ?

A. Yes, sir.

Q. What did you do ?

A. I got upon one of the shanties in the stable yard to see where it was, and I saw Robert Heaton and one of those men exchanging shots at one another. Heaton was standing on the upper side of the railroad track, and I saw Heaton.

Q. Did you see where the men went afterwards?

A. I did after I went up to the house. I went up to the house and came down the pipe way, and when I got down to the road where Mr. Heaton stood they were going up between the two houses that stood there—the two shanties.

Q. How far up did you see them go?

A. They were about five or six yards this side, between the two shanties.

Q. Did you see them go past the Lehigh Valley road?

A. They went up between the two shanties; they went up to the Lehigh Valley road, and I saw them between my house and the tank, and they were going up.

(No cross-examination.)

ROBERT WEEVIL sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Were you employed as a boss at the Heaton colliery in 1875?

Answer. Yes, sir; I was outside boss.

Q. State who was inside boss?

A. Thomas Sanger.

Q. How long had he been such a boss?

A. Probably three years; I do not exactly know. He was there before I went there.

Q. Tell us particularly what portion of the work he had?

A. Full charge inside.

Q. State whose business it was to have the whistle sounded there in the morning on the 1st of September?

A. Mine.

Q. What time did you sound the whistle usually?

A. Five minutes to seven.

Q. By what kind of time?

A. Our time is twenty minutes ahead of the railroad time—about that.

Q. What kind of a day was it on the 1st of September, 1875?

A. A bright morning.

Q. State whether it was perfectly clear and daylight at seven o'clock?

A. Yes; perfectly clear and the sun was shining.

Q. Did you go to sound the whistle that morning?

A. Yes, sir.

Q. Had you seen Thomas Sanger before you went to do so?

A. No, sir.

Q. Or any strange men in the place?

A. No, sir.

Q. You had to go to the breaker to sound the whistle?

A. Yes, sir.

Q. What first attracted your attention?

A. I saw the men running in all directions.

Q. Did you hear any noise at that time?

A. No, sir; only the steam blowing off from the boilers.

Q. Did you hear any shots?

A. No, sir.

Q. The steam was being let off from the boilers?

A. Yes; it was blowing off.

Q. What was the next thing you did?

A. I was about going on the roof to blow the whistle and I saw the men all running round, and I saw Sanger running up the road.

Q. What next did you do?

A. I ran over there, and when I got over between the store and my house there was a man met me with two revolvers.

Q. Did you see anything of Uren on your road over?

A. No, sir.

Q. Where were you exactly when this man met you with the two revolvers?

A. Perhaps twenty-five (25) yards from my own house.

Q. Did he say anything to you ?

A. Yes ; he presented two revolvers, and he said, " Clear, you son of a bitch."

Q. What did you do at that time ?

A. I ran back as far as the store.

Q. What did this man do ?

A. He ran around the corner of the shanty.

Q. Would that carry him round in the neighborhood of Mrs. Blackwell's shanty ?

A. Yes ; I turned around and saw Sanger and him meet at the corner.

Q. What happened then ?

A. There were three or four shots fired ?

Q. Was Sanger standing up at the time the shots were fired.

A. Yes ; he put up his arms and said, " Oh, Bob !" and fell down.

Q. You were in sight of him ?

A. Yes, sir.

Q. Did anything happen while he was on the ground ?

A. Yes ; the man that fired at him turned him over, I think, with his foot, and fired into him again. He was with his face down and he turned him over, and then he shot into him again.

Q. Did you see any other men there at that time ?

A. No, sir.

Q. What did you do while this man was firing at Sanger ?

A. I went from the store into the house.

Q. For what purpose ?

A. I went in for the purpose of getting a gun.

Q. How long were you inside ?

A. A minute or so.

Q. Then you came out did you see Sanger ?

A. Sanger was standing in the door coming from the shanty into the back-room.

Q. Coming into your back-room ?

A. Yes ; standing at the inside door, past the outside door.

Q. Was he bleeding ?

A. Yes ; he was bleeding.

Q. Did you have any talk with him then ?

A. No, sir ; very little. I do not know as there was. Perhaps a few words passed. I do not know what they were.

Q. What did you do then ?

A. I was going off with the gun and I met Robert Heaton coming in.

Q. Did you see any of these men when they came out ?

A. No, sir. He took my gun from me and told me to look after Sanger.

Q. About how many shots did this man fire altogether that you saw ?

A. About four, I think, altogether, as near as I could judge.

Q. Did you see any of these men in their retreat ?

A. No, sir.

Q. Did you see any of these men on the mountain ?

A. No, sir.

Q. Did you see any of the shooting between Heaton and these men ?

A. No, sir.

Q. State whether between this house and Shannon's where you came from the Main street into where you saw Sanger on the ground, there is a depression there ?

A. There was a place sunk for the mines, and there is water there, and steps upon one side and run down on the other, so that people get water there.

Q. It is a rough, neglected place ?

A. Yes, sir.

Q. Do you recollect how many shots were fired at Sanger while he was upon the ground ?

A. Maybe two.

Q. State whether the man you saw was a stranger?

A. Yes, sir.

Q. Had you ever seen him before?

A. Not to my knowledge.

Q. Where were you when this man met you and told you to clear?

A. The men that followed Sanger came up the store side of the house and Sanger ran past the house.

Q. Where was it Sanger fell and the men turned him over?

A. At the back corner of Blackwell's. That man was there when I passed into my house.

Cross-examination by Mr. L'Velle.

Q. What was the general hour of blowing the whistle in the colliery in the morning?

A. By Raven Run time, about five minutes to seven.

Q. That was your duty?

A. Yes, sir.

Q. Did you blow the whistle that morning?

A. No, sir.

Q. Your attention was attracted to the scattering of the men when you were almost in the act of blowing the whistle?

A. In a few seconds more I would have blown the whistle. I was at the whistle then for that purpose.

Q. How was this man dressed that presented that revolver to you?

A. He had on a brown coat very much faded and a drab hat.

Q. What was his height?

A. About five feet ten inches, I think. He was in a stooping position, bending forward.

Q. Was he slight?

- A. He was a pretty well built man.
- Q. How close were you to him ?
- A. I do not think I was more than twenty feet at first.
- Q. Three or four yards ?
- A. Something like that.
- Q. Did you see his whole face ?
- A. I saw the upper part of the face.
- Q. Do you think you could recognize the man again ?
- A. I did think so.
- Q. Have you seen him since to recognize him ?
- A. I thought I did recognize, but I am persuaded now it was not the same man.
- Q. You thought you recognized Charles McAllister ?
- A. Yes, sir.
- Q. Did you swear it was he ?
- A. I was not upon the stand, but I would have done so then.
- Q. And would have sworn quite positively ?
- A. I could not have done otherwise, I was that much convinced.
- Q. You would have so sworn ?
- A. Yes, sir.
- Q. Was he the man that interchanged the shots with Heaton ?
- A. I could not say. I did not see that shooting at all.

Re-direct examination by Mr. Kuercher.

- Q. You say you saw a man whom you thought was the man,—who was that man ?
- A. McAllister.
- Q. Had you ever seen him before ?
- A. Not to my knowledge.
- Q. Or had any acquaintance with him ?
- A. No, sir.
- Q. Did you ever see James McAllister, a brother of his ?

A. No, sir ; not to the best of my knowledge.

Q. And had no acquaintance with him ?

A. No, sir.

Q. You never identified McAllister upon the stand ?

A. No, sir.

Q. And never were examined in relation to it ?

A. No, sir. I was never upon the stand to swear to it.

Re-cross-examination by Mr. L'Velle.

Q. But you would have sworn, if you had been asked to point him out, that he was the man you saw ?

A. Yes, sir.

Q. Donnelly worked at the colliery there ?

A. Yes, sir.

Q. For a number of years ?

A. Yes, sir.

Q. Did you see him that morning ?

A. I do not recollect of seeing him that morning.

MRS. JEANETTE WILLIAMS sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living on the 1st of September, 1875 ?

Answer. In Raven Run.

Q. What house did you live in ?

A. I lived in the block between Sanger's and Nash's—the lower door.

Q. Who lived in the same block with you ?

A. Nicholas Purcell.

Q. Do you recollect the morning that Sanger was killed ?

A. Yes. I recollect it well.

Q. Did you see any strangers about that morning before the shooting ?

A. No, sir. I do not recollect of being out anywhere that morning.

Q. What was the first matter that attracted your attention?

A. I was sitting at the breakfast table, my son and me, and I heard a shot fired. My son sprang up, and the window was before him, and he cried out, "They are shooting Sanger!" and he ran.

Q. What was your son's name?

A. John Williams—Thomas is my son.

Q. Is your husband here to-day?

A. My husband is sick.

Q. You heard your son say they were shooting Sanger?

A. Yes, sir. He rose up and stood in front of the table, and he could see the road from the window, and he ran as if he would go out of the shanty; but when he got to the shanty door, he whirled around and ran around, and I was still sitting at the table, and I told him not to go, that they would shoot him if he went. I turned slowly around, and he had hold of the front door and leaned out. My house, in front, was covered with vines, and he had hold of the rim of the door, and exposed his body so much that I went to pull him in.

Q. Was the door open?

A. Yes; and I was pulling him this way; and as I was running toward the door I took a glance, and I saw them firing into a man, and the man falling and running; and there was a man came up along that way with a pistol in his hand.

Q. Did you see Sanger at all?

A. Not until he was carried home.

Q. At the time you saw this man pass, did he pass the door?

A. He was not right opposite the door, but he came this way (indicating)—he had not got opposite the door yet.

Q. Did you have a view of his face?

A. Yes. I watched the face and the hand. I thought if he turned and saw me he would shoot me.

Q. Did you notice his face particularly?

A. Yes; and he had a long black revolver.

Q. Was that man a stranger to you?

A. Yes, sir. I never saw him before, to my knowledge.

Q. Did you ever see him afterwards?

A. I never saw him afterwards until I saw him here at the table.

Q. State whether at that time you had been subpoenaed as a witness?

A. No, sir. My husband was attending court, and I came to the court at his request.

Q. State whereabouts you were in this court-room when you recognized him?

A. I was sitting upon the second or third seat yonder (pointing to the back of the court-room).

Q. Where was this man sitting whom you recognized?

A. He was sitting where that man is sitting there now (indicating the defendant), with his face toward the south.

Q. State whether you had the same view of his face that you had on that morning?

A. Yes; he had been looking down, and he raised his head and I recognized him.

Q. At the time you recognized him did you know he was a prisoner, or was on trial here?

A. I did not know he was a prisoner; I had never looked in that direction at all.

Q. And you recognized him as the man you had seen that morning?

A. Yes, sir.

Q. Who was that man, if you learned at the court-house?

A. Thomas Munley.

Q. Was he then being tried?

A. Yes, sir.

Q. State whether you were afterwards sworn as a witness and testified in that case?

A. Yes, sir.

Q. You say that he was the man who passed your house that morning with the revolver in his hand?

A. Yes, sir.

Cross-examination by Mr. L'Velle.

Q. Were you witness in the case against Thomas Munley?

A. Yes, sir.

Q. And you recognized him by seeing his side face while on trial in this court?

A. Yes; I recognized him as the man I saw that morning Sanger was killed.

Q. Did you then recognize him absolutely, did you swear he *was* the man, or *like* the man?

A. I swore he was the man.

Q. You did not swear this face was just like that face?

A. No, sir; I said he was the man.

Q. Could you have recognized Munley by seeing him full, straight in the face?

A. No, sir; I only saw his side face.

Q. And by his side face you recognized him?

A. Yes, sir.

Q. Which side?

A. The right side, I believe; he turned the full face to me and I would not know him that way, and then he turned the side face.

Q. At the time your son went to the door as if to assist Mr. Sanger did he have any fire-arms on his person?

A. No, sir; he was eating his breakfast and had nothing on but his pants and shirt, his undershirt, and he was going to change and go to the mines. He was holding fast to the door and my daughter came and she helped take hold of him; I was afraid the man would fire.

Q. You got him from the door?

A. Yes; with my daughter's help.

Q. Was it not at the very time that you and your daughter tried to get him away from the door you saw Munley, or the man you thought was Munley, passing by?

A. Yes, sir.

Q. Had he a cap on at that time?

A. It appeared to me a cap from the view I got of the side of his face.

Q. What do you say now?

A. I say it appeared to me a cap.

Q. Did you not swear the last time you were examined it was a cap?

A. It appeared a cap to me.

Q. Answer my question; state whether or not you swore unqualifiedly?

A. It appeared a cap to me.

Q. I ask you whether or not you swore that when Thomas Munley passed by your door upon that occasion, when you and your daughter held your son, that Thomas Munley wore a cap?

A. It appeared a cap to me.

Q. I shall insist upon your saying yes or no.

A. I said a cap to the district attorney, and when Lin Bartholomew questioned me, I said I could not say anything else but it appeared to be a cap.

Q. You say your testimony was a cap to the district attorney?

A. Yes; but when Mr. Bartholomew put it upon me to say which and gave me time, I said it appeared to me to be a cap. I could not be mistaken in the face.

Q. You could not have mistaken a cap for a black slouch hat?

A. I saw very little of the covering of the head. The face was bare and the brow was darkened.

Q. Had he a covering pulled down on his eyes?

A. His brow was dark and it was the side of the face I saw, the same as if there was a peak of a cap drawn down over the forehead, and the side of the face was bare.

Q. You never saw that man before ?

A. No, sir.

Q. How near was he to your door in passing by ?

A. The distance of that railing there, as if he was passing outside of that railing there. (About thirty feet.—
REP.)

Q. Was he attracted by the struggle you had in the door ?

A. No, sir ; or else I would have seen the front face. He looked straight ahead.

Q. Where was Sanger being shot at that time ?

A. I could not tell anything about that.

Q. Did you see any shooting at all ?

A. Only the firing when I ran to fetch my son.

Q. Did you see from the front or back door ?

A. From the window,—just a glance as I was passing.

Q. Of the kitchen ?

A. No, sir ; the front room.

Q. Were you not asked, "Where is that man now ?" and you answered, "That is the man there," indicating the prisoner, Thomas Munley ?

A. Yes, sir.

Q. Did you not say "That appears to be the man" ?

A. I think I said, "That is the man."

Q. Did you not say, touching the man with your umbrella, "That appears to be the man" ?

A. No, sir ; I touched him. I laid my hand on his shoulder, and then Mr. Gowen or Mr. Kaercher asked me to touch him again after he stood up ; but I shrank from touching him, and then they asked me to touch him with my umbrella.

Q. And then you recognized him as the man, and said that he was the man ?

A. I recognized him as the man, but I do not just recollect the words I used.

Q. Did you say, "I think this is the man" ?

A. I think I said, "That is the man."

Q. Then you did not say, "That appears to be the man," but you said, "That is the man"?

A. I think not; but I was confident he was the man.

Q. When you were asked, "Is that the man?" you said, "I had just a side view of him; I could not tell by the front view of him, but the side view looked like the man"?

A. I could not remember whether I said it that way or not.

Q. Will you state whether or not you recognized Thomas Munley in this court-room absolutely, without any doubt, as being the man you saw upon that day?

A. Yes; I am confident that he was the man.

Q. Were you confident upon the other trial that he was the man?

A. Yes, sir.

Q. And you so expressed yourself?

A. Yes, sir.

Q. Is Mr. Williams in attendance at court?

A. He will be here to-morrow morning.

Q. Was he subpoenaed to the trial of Munley?

A. Yes, sir.

Q. Were you subpoenaed?

A. No, sir.

Q. How came you to come down?

A. My husband asked me to come. He told me I might come and go in the court-house; he said I might go and listen to McParlan, as he might be excluded.

Q. Did you know Michael Doyle?

A. Yes; I lived at Conner's Patch, next door to his uncle, James Murphy.

Q. How old was he? Was he not about nineteen (19) or twenty (20)?

A. I do not know about that.

Q. He was not very tall?

A. No, sir; he grew very slow.

Q. Did you see him there that day ?

A. No, sir.

Q. Did you know him to be working at Heaton's ?

A. Yes ; I remember of meeting the uncle one time at Wild Cat run and we were inquiring after one another's families, and Michael Doyle was with him, and he said he had not received his pay at Heaton's colliery then.

Re-direct examination by Mr. Kaercher.

Q. You do not know whether Doyle had left Raven Run before Sanger came there or not ?

A. No, sir.

Q. Had he been gone a couple of years before Sanger was shot ?

A. I could not say.

Q. When you saw this man going up, what direction was he going ?

A. Toward Sanger's.

MELINDA BICKELMAN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What relation are you to Mrs. Weevil ?

Answer. I am her sister.

Q. Do you live with her, or were you there in September, 1875 ?

A. I was up there.

Q. State how long you had been there at the killing of Sanger ?

A. A week on that day.

Q. Do you recollect the morning of the killing of Sanger ?

A. Yes, sir.

Q. Where were you that morning at the time of the shooting ?

A. When I heard the shooting I was sitting at the table.

Q. In which room?

A. In the dining-room.

Q. When you first heard the shooting how many shots did you hear?

A. I do not recollect.

Q. What did you do?

A. I ran to the door.

Q. Where did the shooting appear to be?

A. They were shooting by Heintz's; that was next door to Nash's.

Q. The shooting seemed to be there?

A. Yes sir.

Q. Did you look out to see what was going on?

A. Yes sir.

Q. What did you see?

A. I saw a man running up the road. I saw Sanger running up the road and another man after him.

Q. Where did Sanger run to?

A. He ran up and turned around by Blackwell's, that way.

Q. Did you see anybody follow him?

A. Yes, a man; he followed Mr. Sanger around.

Q. Did this man pass the front of the house too?

A. Yes; the front of our house.

Q. Where did you see the last of this man and Sanger?

A. Running around between the block where we lived and Shuman, then I went to the back porch again.

Q. Is that the porch that is out on the street?

A. Yes; the street going by toward Heaton's store.

Q. Did you see this man who ran by the front of the house after Sanger have anything in his hand?

A. He had a revolver in his hand.

Q. When you came around to the side, what did you see?

A. I saw another man come by and running around the other part of the house.

Q. Did he go by where you were ?

A. Yes, sir.

Q. Did you hear anything after that ?

A. I went and stood there. I went in the front door and came out and saw Heaton come down, and saw him exchanging shots down there with another man down the road.

Q. Had Sanger come into the house at that time ?

A. I do not recollect ; he came in as I was standing at the door.

Q. Were these two men all you saw ?

A. No, sir ; I saw three men.

Q. Where was the other man ?

A. Down the road, in front of Nash's, exchanging shots with Heaton.

Q. That was the third man ?

A. Yes, sir.

Q. Were all those men strangers ?

A. Yes ; I had never seen them before.

Q. Did you ever afterwards see one of those men ?

A. Yes ; here in court.

Q. Who was that man whom you saw in court ?

A. Thomas Munley.

Q. State whether you recognized him as one of the men that you saw that day at Raven Run ?

A. Yes, sir.

Q. State whether you were a witness in the case of the Commonwealth vs. Munley ?

A. Yes, sir.

Q. Which of the men you saw there that day was it you recognized as Munley ?

A. The one that exchanged shots with Heaton.

Q. That is the one you saw and recognized as Thomas Munley ?

A. Yes, sir.

Cross-examination by Mr. L'Velle.

Q. How long were you at Raven Rnn before the murder occurred?

A. One week to that day.

Q. How near was this man to you at the time you recognized him?

A. I do not know how far it is.

Q. Was it a mile?

A. I guess it was not; from here down to that railing there (indicating about thirty feet.—REP.), and it might have been further (witness also points out on map).

Q. You were staying with your brother-in-law, Mr. Weevil?

A. Yes, sir.

Q. And you were in Weevil's house?

A. Yes; down-stairs in the dining-room.

Q. Did the dining-room overlook the high road?

A. No, sir; you could not see out in the road from the dining-room. If I wanted to look outside I had to go in the shanty, or in the front room.

Q. You were in the dining-room in Weevil's house?

A. Yes, sir.

Q. Which direction could you see from the dining-room; could you overlook the public road?

A. No, sir.

Q. What direction did the dining-room window overlook?

A. Over toward the store. There is only the one window in the dining-room.

Q. It was from that room and through that window in the dining-room that you saw Thomas Munley the first time?

A. No, sir; I was out on the porch when I saw Thomas Munley. I went to the kitchen and was out on the side porch.

Q. You were examined as a witness before ?

A. Yes, sir.

Q. Did you, as a witness before, state it was from the porch or the inside that you recognized him ?

A. I said it was from a back porch.

Q. And you say so now ?

A. Yes, sir.

Q. Is the dining-room adjacent to the high road ?

A. There are two high roads there.

Q. I mean the road from Girardville ?

A. No, sir ; the other is going to Heaton's.

Q. Does it go toward Heaton's house ?

A. No, sir.

Q. Then it is not a high road ?

A. No, sir.

Q. Only a piece of a road ?

A. That is all.

Q. You have walked it ?

A. I guess so.

Q. Do you know how far Heaton's house is from Wee-vil's ?

A. No, sir ; I do not know how far.

Q. Two or three hundred yards ?

A. I do not know. I was never out at Mr. Heaton's.

Q. Where were you when you first heard the shots ?

A. In the dining-room.

Q. Does that overlook the high road coming from Girardville ?

A. No, sir ; it is on the gable part of the house looking toward the road to Heaton's.

Q. And it was there you were when you heard the shots ?

A. Yes, sir.

Q. And then you went on the porch ?

A. Yes, sir.

Q. And then you recognized Munley ?

A. Yes, sir.

Q. How near Sanger was he at the time?

A. Munley was not near Sanger; Munley was down in front of Nash's.

Q. In the street?

A. Yes; in the street.

Q. Where was Sanger?

A. I guess he was around by Blackwell's.

Q. Did you see him?

A. No, sir; not at that time; he had been round Blackwell's.

Q. Did you see him at all before you came out of the dining-room?

A. When I first went out I saw Sanger running up the road, and that was the first I saw him that morning.

Q. Which road was it?

A. By the high road; he was just past our house.

Q. You could not see whether he passed by your house?

A. He passed by and I ran in the front room and looked out of the window and saw him going around Blackwell's.

Q. Was it after this time you went around on your own porch?

A. Yes, sir.

Q. At the time Sanger went around Blackwell's where was Thomas Munley?

A. He was in front of Nash's; he stayed there a few minutes, and I saw Heaton come down and run down toward the stable-yard.

Q. Then Munley did not follow Sanger up toward your house at all?

A. No, sir.

Q. Did you see the man between the store and Weevil's with the two revolvers in his hand?

A. I know he had light eyes.

Q. Did you recognize that man?

A. No, sir; I am sure he had got dark hair with light eyes.

Q. You say this person had dark hair?

A. I do not know.

Q. Do you swear you did not say that you were sure he had dark hair and light eyes?

A. Yes; I did say it.

Q. Why did you say it?—was it because you guessed it?

A. No, sir.

Q. Why did you say it?

A. Because I said it.

Q. Do you believe that is the course of nature?

A. I do not know.

Q. Were you subpoenaed as a witness in the *habeas corpus* hearing of Thomas Munley?

A. Yes, sir.

Q. Were you subpoenaed as a witness in the hearing before the coroner at Raven Run?

A. No, sir.

Q. But you were there all the time?

A. I was at my sister's.

Q. During the investigation?

A. Yes, sir.

Q. How many days were you here in the hearing of the *habeas corpus*?

A. I do not recollect. I think it was one day.

Q. Here in the court-house?

A. Yes, sir.

Q. Who came with you to the court-house; did not your sister?

A. Yes, sir.

Q. You were not examined as a witness?

A. No, sir.

Q. You were again subpoenaed as a witness for the trial?

A. Yes, sir.

Q. Who came with you then?

A. I do not recollect of any of them coming with me.

Q. Did you come alone?

A. I do not remember.

Q. Who subpoenaed you?

A. I do not know who subpoenaed me the first time.

Q. Who subpoenaed you the last time—the time of the trial of Munley?

A. I do not remember.

Q. Do you remember when you were subpoenaed who was the party who subpoenaed you?

A. I don't know who subpoenaed me the first time.

Q. Do you remember of Captain Linden subpoenaing you?

A. No, sir; he did not subpoena me. I do not think he did.

Q. Do you know that he did subpoena you?

A. No, sir.

Q. Then you do not know who subpoenaed you?

A. No, sir.

Q. Do you swear that now?

A. Yes; I do.

Q. Did you not swear that one of the coal and iron police subpoenaed you?

A. I know it was one of the police, but I did not know his name.

Q. Did you know his name at that time?

A. I do not remember.

Q. Do you know constable Christian?

A. Yes, sir.

Q. Did you know him at that time?

A. No; not at the first time. I got acquainted going up in the cars.

Q. Before the last trial?

A. Yes, sir.

Q. You were here nearly two weeks before you were put upon the stand?

A. Yes, sir.

Q. And all that time you had the great secret in your charge that you knew Thomas Munley, the party on trial for his life?

A. Yes, sir.

Q. You were not called until the Commonwealth had closed their case?

A. No, sir.

Q. And you never told your sister that you recognized Thomas Munley as the party?

A. I told my sister that was the man I saw in Raven Run.

Q. When did you tell that?

A. The first morning I was here in court.

Q. You told your sister that?

A. Yes, sir.

Q. That Thomas Munley was the man?

A. Yes, sir.

Q. Do you not know that Mr. Sanger and your brother-in-law and sister were very intimate friends?

A. Yes, sir.

Q. Did you not say on that stand that Captain Linden was the first person you told it to in the corridor of the prison?

A. He was the first person I told, but I told my sister.

Q. Did you not swear upon the stand, when asked the question in the trial of Munley, that Captain Linden was the first earthly person you told that you recognized Munley?

A. No, sir; I do not think I did.

Q. You do not think you did?

A. No, sir; I do not.

Q. You said that you had told no other person, and you would not have told him if he had not asked you?

A. He did not ask me; I asked him if I could go home, and he asked me what I knew, and I told him.

Q. Did you not ask him before that why you should not go home?

A. I do not remember.

Q. Did you not know you had not been called as a witness?

A. Yes, sir.

Q. And seen Thomas Munley every day during the trial?

A. Yes, sir.

Q. And you knew that the Commonwealth had closed?

A. I did not know that.

Q. Did you not know the case had been closed several hours?

A. No, sir; I knew it after I went home and saw the papers.

Q. Was it after you were put upon the witness-stand as a witness?

A. Yes, sir.

Q. Tell us how you recognized Tom Munley,—was it by his features, or his eyes, or his clothing?

A. I knew him by his features.

Q. Was he looking toward you at the time you recognized him?

A. Yes, sir.

Q. How was he dressed?

A. He had a light coat on and dark pants.

Q. What kind of a cap did he have on?

A. I do not know whether he had a cap or hat on. I do not know.

Q. You do not know whether he wore a hat or cap?

A. No, sir.

Q. Do you swear what he had upon his head the last time you were here?

A. I do not know whether he had a hat or cap on. The first man I saw come up the street had a black velvet cap on.

- Q. Do you mean Munley?
- A. No, sir; I did not say that.
- Q. Was the first man you saw going up the street the man you subsequently saw between the store and Weevil's?
- A. No, sir.
- Q. Where did that man go up the street?
- A. He followed Mr. Sanger around Mr. Blackwell's house.
- Q. He followed him around?
- A. Yes, sir.
- Q. He did not go around the opposite corner to intercept him?
- A. No, sir.
- Q. Did Munley have a moustache?
- A. I do not recollect.
- Q. Do you know whether he wore whiskers?
- A. I do not know.
- Q. And yet you swear to his face?
- A. Yes, sir.
- Q. You do not know whether that face had a moustache or whiskers on?
- A. I do not remember any more.
- Q. What was the color of his eyes?
- A. I do not know what they were.
- Q. What was the color of his hair?
- A. Dark.
- Q. Do you swear that Thomas Munley had dark hair?
- A. I do not remember. I do not know any more.
- Q. You do not remember that he wore dark hair?
- A. No, sir.
- Q. Do you say that he had dark hair?
- A. I did say so, but I do not remember any more.
- Q. Do you know the color of his eyes?
- A. No, sir.
- Q. Did you see him after that morning?

A. No, sir.

Q. How long did he stand there ?

A. He stood there a few moments and then ran down toward the stable-yard.

Q. Did you see him and Heaton exchange shots ?

A. Yes ; as he was running down toward the stable-yard.

Q. Was he the next man to Heaton ?

A. Yes, sir.

Q. Was there two firing at Heaton at the same time ?

A. I did not see but the one.

Q. You stated when you saw the shooting you were at the side door ?

A. Yes, sir ; he came up the front and turned round Blackwell's and the other came up on the road toward Heaton's, and around our shanty.

Q. Where was the man that was exchanging shots with Heaton ?

A. In front of Nash's ; as he was running down toward the stable-yard he was exchanging shots.

JAMES MCPARLAN called.

MR. KAERCHER submitted offer in writing as follows :—

The Commonwealth propose to prove by the witness, James McParlan, that he was directed to investigate a secret association in Schuylkill county, and that in pursuance of such instructions he came to Schuylkill county in the fall of 1873, and after making acquaintances with persons and localities, he was admitted as a member of such association, known as the Ancient Order of Hibernians, and commonly called in the coal region the Mollie Maguires ; that said organization in this coal region was a criminal one ; that the prisoner, Dennis Donnelly, was a member of that association, well knowing its character ;

that James O'Donnell, Charles O'Donnell, James McAllister, Michael Doyle and Thomas Munley, also members of said association, entered into a conspiracy with other members of said association, and all acting together as such members under the organization, to murder Thomas Sanger; that prior to the commission of the said murder, which is now the subject of investigation, that certain of the said conspirators, while in the pursuit of the purposes and objects of said conspiracy, revealed to the witness their design and intention to commit the murder, and that a few hours after the commission of the murder, the witness met the actual perpetrators of the said murder while fleeing from the place of the murder. This to be followed by evidence that Dennis Donnelly, as an accessory before the fact, aided, procured and counseled the said murder to be done, and that as a party to the said conspiracy he instigated and procured the murder of Thomas Sanger.

Defendant's counsel objected in writing, as follows:—

First.—It is not offered to be proven that the Ancient Order of Hibernians, as such, entered into any combination or conspiracy in respect to Thomas Sanger, the party murdered.

Second.—The defendant cannot be prejudiced by the acts or declarations of any person or persons or association, unless it be shown or offered to be shown that he was cognizant of the same, and acting in concert with the person or persons or association doing the act or making the declaration.

Third.—It is not offered to be shown that Dennis Donnelly, the defendant, was a member of this organization at the time of the murder of Sanger.

Fourth.—It is not proposed to show by this witness that the defendant entered into a conspiracy with the other

parties named in this offer to murder Sanger, and therefore their acts and declarations are not evidence against him.

Fifth.—The acts and declarations of the other parties several hours after the perpetration of the crime, and after they had returned from the scene of the murder, would, under no circumstances, be evidence against the defendant, he not being present.

Sixth.—The offer does not propose to prove any definite time at which this defendant belonged to the organization.

Seventh.—The prisoner objects to any acts, or the character of the organization prior to his joining, or after his deserting the same, and as the offer fixes no time as to his membership, it is too indefinite, and therefore not evidence.

Decision reserved until morning session.

Adjourned to 9 A. M.

E. D. YORK,
Official Stenographer.

TUESDAY, NOVEMBER 20TH, 1877.

Morning Session.

Court opened at 9 A. M.

THE COURT:—This offer made last evening is substantially the same offer made in the other case, in the Carroll case, which I have before me. It was admitted in those trials, and the question of admissibility fully argued in the Supreme Court. The Supreme Court held they were

properly admissible. We think the question is ruled in that case, and in the other cases, and will therefore admit this offer and seal a bill for the defendants.

(Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

JAMES MCPARLAN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What is your full name?

Answer. James McParlan.

Q. What is your business and occupation?

A. A detective.

Q. In whose employment are you, and were you in 1875?

A. In the employment of the National Detective Agency.

Q. Who is the head of that agency?

A. Major Allan Pinkerton, of Chicago.

Q. How long have you been connected with that, as a detective officer?

A. Since 1872.

Q. Were you ever sent into the county of Schuylkill for the purpose of making any investigation as to a secret society in this county?

A. I was sent here in October, 1873, by Mr. Pinkerton.

Q. What was the name of the society you were to investigate?

A. I was sent to investigate if there was an organization known as the Mollie Maguires, and, if so, as to what amount of outrages they committed, if any, and who were the members, &c.

Q. Did you hear the society mentioned by any other name than the Mollie Maguires?

A. The Buckshots, and the Ancient Order of Hibernians.

Q. State whether, in pursuance of those instructions, you came into the county of Schuylkill?

A. I came into the county of Schuylkill in the latter part of October, 1873.

Q. What was the first place you went to?

A. To Port Clinton.

Q. How long did you remain there?

A. About a day and a half or a couple of days.

Q. Just proceed and tell us the different points you visited?

A. I went from Port Clinton to Auburn, from Auburn to Pinegrove, from Pinegrove to Schuylkill Haven, from Schuylkill Haven to Tremont, from Tremont to Tower City, from Tower City to Minersville, and left Minersville and went to Philadelphia, or came to Pottsville and went to Philadelphia. I remained there for some time, about two weeks or perhaps more, and returned back to Pottsville. From Pottsville I visited St. Clair, Girardville and Ashland, and returned back to Pottsville. About New Year's of 1874, I went to Mahanoy City, from there to Tamaqua and returned back to Pottsville. Then I left Pottsville and visited Girardville for a day or two, and Colorado, and went to Shenandoah, and made my headquarters in Shenandoah.

Q. State what time you located yourself in Shenandoah?

A. In March, 1874, I think it was; in February or March.

Q. How long did you maintain your headquarters there?

A. Up to March, 1876, when I left the county.

Q. State your purpose in traveling about the county?

A. For the purpose of getting acquainted with the people and their ways.

Q. Did you ascertain while still in Pottsville that there was a secret organization in the county?

A. I ascertained at Tremont that there was a secret organization in the county, and the same thing while in Pottsville, afterwards.

Q. Did you become acquainted with any members or the organization in Pottsville?

A. Yes, sir.

Q. Who were they?

A. I became acquainted with some ex-members first. Pat. Dormer, Arthur L'Velle, Patrick McGovern and several more, and became acquainted with a member named Cooney; I think he lived in St. Clair, and worked about Wadesville.

Q. Did you ascertain the way in which the organization was being carried on in the county?

A. Well, outside it was called the Ancient Order of Hibernians, but inside it was known as the Mollie Maguires.

Q. Did you come here under your own name?

A. No, sir; I assumed the name of James McKenna.

Q. Did you maintain that name all the while you were in the county?

A. Yes, sir.

Q. After ascertaining that there was an organization in this county by the name of the Ancient Order of Hibernians, or Mollie Maguires, you became a member of it?

A. Yes; in April, 1874,—the 14th of April, I believe,—in Shenandoah.

Q. By whom were you initiated as a member?

A. By Michael Lawlor, in Shenandoah, in his house in Coal street.

Q. Who were present when you were initiated?

A. Thomas Hurley, Peter Monaghan, Edward Ferguson and Thomas McNulty.

Q. What sort of a ceremony did you have to go through?

A. I had to go down on my knees and bless myself, and Lawlor read a document called a test. I repeated it *verbatim* after him, making the affirmation to keep strictly secret all the works of the society, and to refrain from mentioning names, &c., and if I heard a friend in distress

to espouse his cause immediately and make report of it. After that I kissed this paper which was called the test, paid three dollars initiation fees, and received the signs and passwords of the organization, better known as the "goods," and was then a member.

Q. Did you become an officer of this organization?

A. In July, 1874, I became secretary of the Shenandoah branch.

Q. Did you visit as officer of this branch various meetings of the officers of this organization?

A. I visited the Mahanoy City meeting of our own organization, of our own division, at least, and I visited several county meetings. I visited some meetings held in other counties—some in Luzerne.

Q. Tell us what was the plan of the organization, and how it was divided?

A. There were divisions established all over the county. These divisions had each a body-master, as he was called, or president, but commonly called a body-master. There was a vice-president, or vice-body-master, secretary and assistant secretary and treasurer. These are the officers that should be in all divisions, although I have known some divisions to have nothing at all but the president. Then there was the county delegate over that county, and there was the State delegate. The county delegate was elected by the officers of each division of the county—elected annually.

Q. Was there any county body?

A. There were county committees. They were constituted of body-masters or officers of divisions appointed by the county delegate.

Q. They were committees specially appointed by the county delegate?

A. Yes, sir.

Q. State what were the powers of this county delegate?

A. The power invested in them was to open new divi-

sions, preside at county meetings, call county conventions, and distribute the goods to the different divisions.

Q. Was there any higher organization?

A. There were the State officers, who consisted of a State delegate, State secretary and State treasurer.

Q. By whom were these officers elected?

A. They were elected by the various county delegates and the various body-masters.

Q. From whom did the county delegate receive the goods and pass-words?

A. From the State delegate.

Q. Was there any superior organization to that of the State?

A. There was a national organization.

Q. State what that was?

A. It consisted of the national delegate, the national secretary, national treasurer and president of the board of the city of New York, or something like that he is called.

Q. Was he the special officer attached to the city of New York?

A. Yes; these national officers all belong to New York.

Q. By whom were they elected?

A. By the various State delegates, also county delegates, if they chose to be present at the national convention.

Q. State whether the organization did hold its State, county and national conventions?

A. Yes, sir,

Q. State what the duties of these national officers were?

A. To distribute the goods to the State delegates.

Q. From whom did those national delegates receive those goods?

A. From what is called the Board of Erin, composed of delegates of England, Ireland and Scotland, meeting quarterly, and making those goods. They were made sometimes in England and Scotland, and sometimes in Ireland. That was the representation made to me through the organization.

Q. Did you learn that this society had any organization abroad similar to that in this country ?

A. Yes. I have seen traveling cards come to this country from the organization in England and Scotland ; but none from Ireland that I saw.

Q. How were the goods transmitted to this country ?

A. I understood they were transmitted through a member of the organization who was a steward, or held some kind of a position upon one of the Inman Line of steamers, plying between Liverpool and New York.

Q. You stated you attended some of the meetings in this county ?

A. I attended a convention in the winter of 1874, sometime in November or December, at Mahanoy City,—a county convention, or not exactly a county convention, but there was a county committee there. It was held in Metz Hall.

Q. Attended by whom ?

A. There was John Kehoe, county delegate ; William Gavin, county secretary ; Christopher Donnelly, county treasurer ; Frank McAndrew of Shenandoah, John Donahue of Tuscarora, Michael O'Brien of Mahanoy City, John McDonnell of Mahanoy City, Pat. Dolan of Big Mine Run, alias the Bear, and several more there I do not remember exactly. A committee had been called to take action upon some of the members who had been disobeying the orders of their superior officers. I was there too. I attended another convention, I guess about the fourth or fifth,—two days in Girardville, in January, 1875. There was some trouble existing there between Kehoe, the present county delegate, and Barney Dolan, an ex-county delegate. There was present at that convention a man named Campbell, the national delegate from New York, and a man named Reilly, who represented the president of the board of the city of New York. There were several other members, and in fact almost all

the divisions in the county were represented there. It was held in Lafferty's Hall. We met the first day, and the delegation from New York did not arrive. I think it was upon Wednesday, and we came back upon the following day, and the delegates had arrived in the meantime. The convention was held in Lafferty's Hall, where the claims of both county delegates were set forth, and the State delegate and State secretary were there.

Q. Did you attend any other convention of the order?

A. Another in the Old Town Hall here in Pottsville, I think on the 11th of January, 1875. Pretty near all the divisions of the county were represented. There was John Kehoe there, county delegate; Christopher Donnelly, county treasurer; William Gavin, county secretary; John Donahue of Tuscarora, body-master; James Roarity of Coaldale; James Kerrigan of Tamaqua, body-master; Mike O'Brien of Mahanoy City, body-master; William Calahan, Jerry Kane of Mount Laffee, James Kinney of Pottsville or Mount Carbon, Frank McAndrew of Shenandoah, John Reagan of St. Clair, Frank Keenan of Forrestville, and John Brennan, alias Sper Brennan, who lived up somewhere near Girardville, at Connor's Patch.

Q. Did you attend any other convention subsequent to this?

A. I think I have named all of the conventions.

Q. Did you name the convention at Tamaqua?

A. That was afterwards. Then I attended another convention in June, about the first of the month, in Mahanoy City. That was in 1875. This was the meeting of a county committee.

Q. Who were present?

A. John Kehoe, William Gavin, Christopher Donnelly, Mike O'Brien, Frank McHugh, James Roarity, John Donahue and Dennis F. Canning.

Q. What was his position?

A. He was county delegate of Northumberland county.

Q. Name some of the parties present at Tamaqua ?

A. There was a convention held in Tamaqua about the 25th of August, 1875, and there were in fact all the divisions, with one exception, represented, and that was the division of Turkey Run, either by the body-master or some of the officers, but the committee was selected when they got there. John Kehoe, William Gavin, Chris. Donnelly, Jerry Kane, Frank Keenan, John Donahue, James Roarity, Mike O'Brien and Frank O'Niel were the committee. I think that was all.

Q. What position did you have on the committee ?

A. I was appointed for to take down the statements of the parties having grievances to be redressed, to take down both parties' statements and hand them to the committee for them to take action.

Q. This committee was appointed from the members, and the representatives of the divisions of the county ?

A. They were present in Tamaqua, but were not admitted into the committee room. I am only mentioning the committee.

Q. How many divisions were there in Schuylkill county at that time ?

A. I think it was twenty-one or twenty-two at that time.

Q. State whether or not they were situated at different points throughout the coal region in the county of Schuylkill ?

A. Yes ; situated all over it.

Q. Was that convention attended by Dennis Donnelly, the defendant ?

A. It was not, that I remember.

Q. He was not a member of the committee ?

A. No, sir ; he was not a member of the committee, and I do not remember of seeing him there.

Q. I think you have stated it already, but state whether these county conventions were made up of the different officers of the different divisions ?

A. Yes ; they were made up of the different officers of the different divisions.

Q. Did the officers of each division have a right to be present ?

A. Yes, sir.

Q. How were members transferred from one division to another ?

A. By card.

Q. How was it when they left the county ?

A. When they left the county they were transferred by card, but it had to have the private mark of the county delegate on it.

Q. In what manner from the State ?

A. Then the private mark of the county delegate was sufficient to carry him anywhere ; a clear card with the private mark of the county delegate would carry him anywhere in the United States.

Q. Was this a secret organization ?

A. Yes, sir.

Q. Was it limited to particular persons ?

A. It was limited to Irishmen and Catholics, although I have known an instance where the rule was violated.

Q. State in what respect it was violated ?

A. I have seen half-Irishmen and half-Germans in it.

Q. You have stated it was a secret organization ; how were the members known one to another ?

A. By signs and pass-words.

Q. You stated they were received every quarter from the county delegate ?

A. Yes, sir.

Q. Did they give anything for them ?

A. The county delegate had to give three dollars, or at least the body-master had to give three dollars to the county delegate for each quarter for these goods.

Q. By whom were they distributed to the men ?

A. By the body-master or his secretary.

Q. In what way were they received, written or printed?

A. Written.

Q. And transmitted how, by letter or messenger?

A. I do not know as I have seen any transmitted by letter; the different body-masters went to the county delegate's house and got them, although they may have been transmitted by letter.

Q. While you were in the employ of this detective agency, were you required to make daily reports of your investigations to your superior officers?

A. Yes; I was and did.

Q. Are those reports in existence?

A. They are right here in court.

Q. In that tin box? (Indicating box on the stand.)

A. Yes, sir.

Q. The originals in your handwriting?

A. Yes, sir.

Q. State whether they were made out from day to day as you proceeded in your investigations?

A. They were made out from day to day, though sometimes I was not able to mail them each day. Sometimes it would be one or two days that I could not get them mailed, and sometimes I would make out two reports on one day and mail them, as the operation required considerable secrecy.

Q. Were you permitted to communicate with any one in the county of Schuylkill?

A. When I first came here I was not.

Q. Were arrangements made afterwards?

A. Yes; in April, 1875, I visited Philadelphia and there met Major Pinkerton, held a conference with him and Superintendent Franklin of the Philadelphia office. It was arranged then that Captain Linden should be sent from Chicago to the region, and I should report to him at any place, either *verbatim* or by letter, as I could.

Q. State whether this is the gentleman whom you were to communicate with? (Indicating Captain Linden.)

A. Yes, sir.

Q. State the purpose of having Captain Linden here?

A. It was this way, that when there was going to be an outrage committed, whether it was a beating or killing of a person, or burning a property, or anything else—

(Objected to.)

Defendant's counsel ask for an offer.

MR. KAERCHER:—The Commonwealth state that it is for the purpose of showing that means were taken so that he could have some one upon the ground to whom he could communicate information he received. It bears upon the *bona fides* of his agency here, where he was here to prevent and punish crime. .

MR. L'VELLE:—Defendant's counsel object that it is irrelevant and immaterial; that the purposes of the witness upon the stand, and any agreement between him and the officers or members of the agency, is not testimony in this case; also, that it is not covered by the offer of the Commonwealth already made.

THE COURT:—We will allow the witness to state the fact that he was instructed to communicate with Captain Linden, and that he did so; it is a matter for the jury to determine how he was acting.

(Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. State whether you, as a fact, were directed to communicate information you received, from time to time, to Captain Linden?

A. Yes; and did do so.

Q. State whether Captain Linden was a coal and iron policeman?

A. Yes; and a member of our agency besides.

Q. Was he commissioned as a police officer by the Governor of the Commonwealth?

A. Yes ; so, I understood.

Q. You stated that this was a secret organization ; that its members were known to one another by signs and pass-words, commonly called the "goods." Did you, from time to time, while here as a detective, record the different signs and pass-words in your reports to your superior officer ?

A. Yes, sir ; as near as I could possibly.

Q. Have you these reports containing these goods or pass-words in this box upon the stand ?

A. Yes, sir.

Q. State whether you can recollect and can give from your reports those signs and pass-words ?

A. I can give them by reading them over from the reports, but I cannot remember them.

Q. You cannot give them from memory now ?

A. No, sir.

MR. KAERCHER:—The Commonwealth now offer to have the witness read the signs and pass-words of the organization as he discovered them during his connection with the same, for the purpose of showing its secret character, and the system by which it was conducted, and the means by which these members were known one to the other.

MR. L'VELLE:—Defendant's counsel object that it is irrelevant and immaterial.

(Admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. (Mr. L'Velle.) How have you acquired a knowledge of the signs and pass-words,—was it from anything written or from conversation with the parties ?

A. From written documents. I would hear the sign given out. The first that I got were read to me by Michael Lawlor, and I took particular notice to them at the time and afterwards.

Q. Then the reports of the signs and pass-words were made up from the accuracy of your memory?

A. The first two; then afterwards, I being the secretary, I used to give them to the members myself.

Q. The first two reports were made after memorizing them?

A. Yes, sir.

Q. Then you do not pretend to give accurately the words and phraseology of the signs and pass-words?

A. I think I give them accurately.

Q. As acquired from others?

A. Yes; I think I give them accurately.

(The witness then, by agreement of counsel, took in his hands a printed report of the case of the Commonwealth *vs.* John Kehoe *et al.*, containing his previous testimony, where he had testified to the signs and pass-words from the written documents; the witness read from the book, it being more convenient than to again refer to the various written papers.)

Q. (Mr. Kaercher.) Proceed and give us the signs and pass-words?

A. These are the goods received upon the 14th of April, 1874. The pass-word is:—

“The Emperor of France and Don Carlos of Spain—
They unite together and the Pope’s right maintain.”

The answer is:—

“Will tenant right in Ireland flourish,
If the people unite and the landlords subdue?”

The quarreling toast is as follows:—

“Question—Your temper is high.”

“Answer—I have good reason to.”

The night pass-word is as follows:—

“Question—The nights are very dark?”

“Answer—I hope they will soon mend.”

The sign is the little finger of the right hand to the corner of the right eye. The answer is to catch the lapel of the vest with the little finger and thumb of the right

hand; this should be the left hand, as I evidently have made a mistake in that particular.

These are the "goods" I received on Sunday, May 18th, 1874.

The pass-word is:—

"That the trouble of the country may soon be at an end."

The answer is:—

"And likewise the men who will not her defend."

The quarreling toast is:—

"You should not dispute with a friend."

The answer is:—"Not if I am not provoked."

The night pass-word is:—

"Question—Long nights are unpleasant."

"Answer—I hope they will be at an end."

The sign is the front finger and thumb of the right hand to touch the necktie or top button of the shirt. The answer is the left hand to rub across the forehead, touching the hair.

These are the goods received Monday, August 10th, 1874. The pass-word is:—

"What do you think of the Mayo election?"

"I think the fair West has made a bad selection."

The answer is:—"Whom do you think will duly betray?"

The quarreling toast is:—

"Question—Don't get your temper so high."

"Answer—Not with a friend."

The sign is by putting the thumb of the right hand in the pocket of the pants. The answer is by putting the thumb of the left hand on the lower hip on the left side.

These are the goods received on Wednesday, the 28th of October, 1874. The pass-word is:—

"What do you think of D'Israeli's plan?"

He still keeps home-rule from our native land."

The answer is:—

"But still with good swords and men at command,
We will give long-lost rights to our native land."

The night pass-word is :—

"Question—The night looks gloomy?"

"Answer—I hope we will soon have a change."

The quarreling toast is :—

"Question—You are very provoking, sir."

"Answer—I am not to blame."

There is a body-master's toast here that is only given to body-masters, but I have copied it in here.

"Question—May the President of France, the general so grand—"

"Answer—Banish all heresy and free Ireland."

I have omitted the sign. I notice that in my report of the quarter's goods.

Q. There was a sign given at that quarter?

A. There is no doubt about that, but I have omitted it. I remarked so, too, in my former testimony upon that subject.

These are the goods received on Saturday, the eleventh day of January, 1875.

The pass-word is :—

"Question—Gladstone's policy must be put down ;

He is the main support of the British
Crown."

"Answer—But our Catholic lords will not support his
plan,

For true to their Church they will firmly
stand."

The quarreling toast is :—

"Question—Don't give way to anger."

"Answer—I will obey a friend."

The night pass-word is :—

"Question—The nights are getting shorter?"

"Answer—They will soon be at their shortest."

The body-master's toast is :—

"Let every Irish patriot espousing Erin's cause,
In College Green, they may be seen, there making Irish
laws."

The sign is the nail of the right thumb across the
bridge of the nose. The answer is the tip of the forefinger
of the left hand to the chin.

These are the goods received on Friday, the fourteenth
day of May, 1875. The pass-word is:—

"What is your opinion of the Tipperary election?"

"I think England broke her constitution by Mitchel's
rejection."

The answer is:—

"But didn't O'Connell resign his oath and seat?"

"Yes; and by agitation gained emancipation."

The quarreling toast is:—

"Question—Keep your temper cool."

"Answer—I will not raise it to a friend."

The sign is the forefinger of the right hand in the sleeve
of the coat. The answer is the thumb of the left hand in
vest pocket.

The body-master's toast is:—

"Here's that every Irishman may stand to his cause,
And subdue the British Government and its coercion
laws."

These are the goods received upon the 4th of Novem-
ber, 1875. The pass-word is:—

"Here's a health to every Irishman that lives in
Ireland,

To assemble 'round, in Dublin town, in memory of
Great Dan."

The answer is:—

"When born, he found our country in chains and
slavery,

He labored hard to set her free, but now he's in the
clay."

The quarreling toast is:—

"Question—You seem to be getting vexed?"

"Answer—Not with you, sir."

The night pass-word is:—

"Question—These nights are fine?"

"Answer—Yes; we shall have a fine harvest."

The sign is the tip of the forefinger of the right hand to the hole of the right ear; and the answer is the tip of the forefinger of the left hand to the hole of the left ear.

These are the goods received on Saturday, the 22d of January, 1876. The pass-word is:—

"Question—Home rule in Ulster is making great progress?"

"Answer—Yes; if every Irishman would support the cause."

"I wonder if Ireland can gain tenant-right?"

"Yes; if supported by the Irish members."

The night pass-word is:—

"Question—Moonlight is pleasant?"

"Answer—Yes; so is freedom."

The quarreling toast is:—

"Question—Be calm, sir."

"Answer—I am never too boisterous."

The division-master's toast is:—

"Here's to every Irishman that crossed the Atlantic wave;

That they may return, with heart and hand, their native land to save."

I find I have omitted the sign in this case. This was the last I received.

Q. At what time?

A. I received them in January. Sunday, the 22d of January, 1876. These are the last I received during the time I was in the coal regions.

Q. State whether the next goods came around after you had withdrawn from the county?

A. In May or April.

Q. You had already left the county?

A. Yes, sir.

Q. State where you were born?

A. In Ireland.

Q. How long were you in this country before you joined this organization?

A. About six or seven years. About seven years.

Q. You stated that it was necessary for a man to be an Irishman and a Catholic to join this organization?

A. Yes, sir.

Q. Although there were some exceptions,—were you an exception?

A. No, sir; I was not.

Q. Were you admitted according to the constitution?

A. Yes, sir.

Q. This quarreling toast; explain the nature and purpose of that?

Q. Well, when men would get into a saloon and get into a quarrel, the man that would repeat the question of this toast, and if there were any members present they would take his part, or the parties that were present, provided he was a member and proceeded with the quarrel, was liable to expulsion after the man let him know who he was.

Q. Where were you admitted in Shenandoah?

A. At Michael Lawlor's, in Shenandoah, upon West Coal street.

Q. He was the body-master.

A. Yes, sir.

Q. What was the ostensible object of this organization—upon its surface?

(Objected to.)

Q. What was the real character of this organization as you found it to be after you became a member of it?

A. It was a criminal organization.

Q. State in what manner, if any, its members aided one another in the commission of crime?

A. A party wishing to get a grievance, as he would style it, redressed,—for instance, to get a man licked or do some harm to his property, or even get him killed, he would apply to his body-master, stating the facts, and the body-master would make a call upon some other body-master living in a different part of the county, or probably in an adjoining county, for some men to do this act—men that would be unknown to the parties, and unknown in the neighborhood where the act would be committed, and would promise the party whom he had asked for the men that he would reciprocate the same if required at any time. The man would furnish the men, whether it was to kill or burn a house down; the men would come and the party would be pointed out to the men who had come by some one acquainted with the vicinity; then the job was committed or the outrage, and after it was committed, if there was any suspicion or arrests made, there was funds raised in the organization for the purpose of retaining lawyers, and witnesses procured for the purpose of proving *alibis*.

Q. Have you known the organization as an organization to act in the commission of crimes?

A. Yes; I have known it as an organization to act in the commission of crimes.

Q. What character of crimes?

A. Murder, attempted murder, and conspiracy to murder.

Q. Any other character of offenses?

A. I have known parties to get beaten through it.

Q. Any burnings or arson?

A. Yes; I have known of burnings through it and several other depredations.

Q. This was the general practice of this organization?

A. Yes, sir; the general practice.

Q. Was it known to be such to its members?

A. Yes; I do not see how any member could fail to know it, although there were actually some members that were kind of kept in the dark of the worst of the crimes.

Q. State whether, when a crime was to be committed, the whole division would be called together, or how the men would be selected?

A. They were selected by the body-master as a general thing.

Q. State what was the consequence to the members selected if they refused to obey?

A. Well, I would not suppose their life was safe.

Q. (By Mr. L'Velle.) Never mind what you suppose.

A. Such is the fact.

Q. How long have you known Dennis Donnelly?

A. Since 1874; somewhere about August or September, 1874.

Q. Did he occupy any position in the Ancient Order of Hibernians, or Mollie Maguires, in Schuylkill county?

A. He was introduced to me as the body-master of Raven Run.

(Objected to.)

Q. Did you meet Dennis Donnelly at that time personally?

A. Yes, sir.

Q. Where?

A. I met him in Shenandoah, at the corner of Coal and Main streets. There was a foot-race there upon that day and I was introduced to him. He was in the company of Florence Mahoney, the body-master of Turkey Run, and Frank McAndrew; McAndrew stepped to one side and spoke with Mahoney when Donnelly threw me the sign and I answered it.

Q. What do you mean by throwing the sign?

A. He gave me the sign of the society. McAndrew then came forward and said he was a body-master.

Q. In the presence of Donnelly?

A. Yes; and he said, "this is the body-master of Raven Run."

Q. What did Donnelly say?

A. He did not say anything.

Q. Did you salute one another and shake hands?

A. He had thrown the sign to me before McAndrew stated he was body-master.

Q. That was the first time you met him?

A. Yes, sir.

Q. Did you meet him afterwards?

A. Oh, yes; several times.

Q. On these occasions, when you met him, did he recognize you as a member?

A. Yes, sir.

Q. And you acknowledged him as a member?

A. Yes; except for a month or so.

Q. What was the occasion, if you know, from him?

A. He said they had expelled him for holding over some money, and he told me afterwards it was all right and I knew through the society. That was in the latter part of 1874.

Q. That was about one month?

A. Perhaps it was a whole quarter; but he was a member in March, 1875.

Q. State whether he continued to be a member while you were in the county?

A. Yes, sir. He was a member in February, 1876. He told me so.

Q. State whether you know a man by the name of Charles O'Donnell?

A. Yes, sir.

Q. And James O'Donnell?

A. Yes, sir.

Q. And James McAllister?

A. Yes, sir.

Q. And Michael Doyle?

A. Yes, sir.

Q. And Thomas Munley?

A. Yes, sir.

Q. And Thomas Hurley?

A. Yes, sir.

Q. State whether they were members of the Ancient Order of Hibernians?

A. Yes; they were all members.

Q. Tell us where these different parties resided?

A. Thomas Hurley and Michael Doyle, in 1875, resided in Shenandoah—a portion of 1875; the two O'Donnells and McAllister resided at Wiggan's Patch, and Thomas Munley resided at Gilberton.

Q. State the different divisions of the Ancient Order of Hibernians to which they belonged. Doyle and Hurley belonged to Shenandoah, did they not?

A. No. Doyle belonged to Big Mine Run, although he lived in Shenandoah, and Hurley belonged to the Shenandoah division, and the body-master was McAndrew. Pat. Dolan, Sr., was the body-master of Big Mine Run in 1875. Munley belonged to the Shenandoah division, and the two O'Donnells and McAllister belonged to a division over at Wiggan's Patch, and Peter Sherry, I think, was the body-master. He resigned and quit the organization, and then Carolan was the body-Master.

Q. Were these men members in 1875, and prior and subsequently?

A. Yes, sir; they were members in September, 1875.

Q. And continued so subsequently?

A. Yes; so far as I know.

Q. Did you have any personal acquaintance with Thomas Sanger?

A. No, sir; I never knew him.

Q. Did you learn of a conspiracy upon the part of the members of the organization of the Ancient Order of Hibernians to murder Thomas Sanger?

MR. L'VELLE:—Defendants' counsel object upon the ground of its irrelevancy, unless it is shown that there was a conspiracy, and that the party on trial was a member and entered into that conspiracy.

THE COURT:—The murder of Sanger is the question in

this case, and whatever would show that would be evidence. Whether this defendant was accessory to that murder is the question, and the Commonwealth state that they propose to show that he was; they propose to show that he did aid, instigate and abet the murder of Sanger.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [NEAL]

A. I learned of a conspiracy upon the 31st of August, 1875, to murder a boss at Raven Run.

Q. Did you learn it as a member of the organization?

A. Yes, sir.

Q. From a member of the organization?

A. From Michael Doyle, and from James O'Donnell, *alias* Friday.

Q. Those were the persons you mentioned as living at Shenandoah and Wiggan's?

A. Yes. That was on the 31st of August.

Q. What was said by Michael Doyle upon that occasion?

A. Upon the 31st of August I met him in his bed-room, after getting up in the morning.

Q. Did you and Doyle sleep in the same room?

A. Yes. He had come to bed after me.

Q. He boarded at the same house?

A. Yes; at the house of Fenton Cooney, in Coal street, and we slept in the same bed. I got up in the morning, and saw a Smith & Wesson pistol lying on the wash-stand, and I knew Doyle did not have one, and I woke him up, and says I, "Young man, where did you get this pistol?" and he said, "I got it last night from Edward Monaghan; we are going to shoot a boss to-day at Raven Run." I asked him who was going along, and he told me James O'Donnell and Charles O'Donnell and one of the McAllisters, and he said they were going to meet at Michael Lawlor's. He did not tell me the name of the boss or the colliery he worked at. He came down-stairs and ate breakfast,

and Thomas Hurley had come over at the time. Hurley was sitting outside, while we were eating breakfast, at the shanty door—it was a kind of summer-kitchen—and after breakfast, then Hurley instructed Doyle as to how he ought to do this shooting and how he should shoot a man. He told him:—"Now," said he, "you must be mighty careful when you go with the O'Donnell crowd, for, if you fail to do the business, they will shoot you"—or something to that effect. "You cannot get away as easy as you got off with us at the last job"—the shooting of William M. Thomas. He said, "The best plan would be to have this pistol cocked in your coat pocket, walk up to the boss and fire through the skirts of the coat, and take him right in the guts; that is the plan." He showed him how to do it, and had the pistol at the same time. (Witness indicates to the jury.) He had the pistol here; he took Doyle's pistol out of his hand. "You go up to the boss, get the pistol at full cock, and fire through the coat; that is the best plan, and nobody will know who done it."

Q. About what hour of the morning was it?

A. It was after seven o'clock, probably eight o'clock, or it might be a little later.

Q. Whereabouts did it take place?

A. In Cooney's yard or in the shanty. After breakfast and after Doyle had got his instructions he asked me if I could loan him a coat. I told him there were two or three coats hanging up in the room, and he took an old gray coat. He took it and walked away, and I went up town. I could not find out from Doyle what was the name of the boss. On the corner of Centre and Main streets, in Shenandoah, I met James O'Donnell, and we went into Malachi Cleery's and had a drink, and went into a room in the rear of the bar, and O'Donnell there showed me the two pistols—small pistols, they seemed to carry about a thirty-two cartridge. I am not sure about the make, but they were five-shooters, and he told us—

(Defendant's counsel objected to any conversation with O'Donnell.)

Q. You said at this time you met O'Donnell in Shenandoah?

A. Yes, sir.

Q. What hour of the day?

A. I guess it must have been about ten o'clock.

Q. In the forenoon?

A. Yes, sir.

Q. After you had the conversation with Doyle and after Hurley had showed him how to shoot a man?

A. Yes, sir; and by the way, Doyle told me that he calculated to shoot the boss as he would come out for his dinner. I met O'Donnell and we went into Cleary's. O'Donnell then produced the pistols and said they were the two.

MR. KAERCHER:--Commonwealth's counsel propose to prove by the witness what O'Donnell stated at the time he produced the pistols in relation to the conspiracy to murder Sanger; this is covered by the general offer already made.

MR. L'VELLE:--Defendant's counsel object to any declaration of O'Donnell in relation to the killing of the boss, and to any declarations except the declarations of the defendant himself, as inadmissible and incompetent.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [RECAL.]

Q. Tell us all that O'Donnell said at the time that he produced his pistols?

A. He showed us the two pistols, and stated he was going to meet Doyle at Lawlor's; that his brother and McAllister went to work that morning, and that they were working with members of the organization and could easily slip out, and they were bound to shoot him at noon-time. O'Donnell did not seem to know the name of the

boss, or at least he did not give it to me, and I did not ascertain it.

Q. Did you notice in what direction O'Donnell went at that time?

A. Yes; he went west on Centre street.

Q. Would that carry him in the direction of Lawlor's place?

A. It would be the direction to go to Lawlor's; he would have to turn at the next corner. Lawlor lived north-west. I did not see him until the next morning.

Q. Did you see Doyle again that day?

A. No, sir; not until the next morning.

Q. Where was Hurley that day?

A. He remained with me all day; up until ten o'clock that night.

Q. About what was Doyle's age?

A. He appeared to me to be about twenty or twenty-one years of age—a very young man.

Q. Did he take this coat of yours that he asked you for?

A. Yes, sir.

Q. What kind of a coat was it?

A. It was a gray tweed coat, mixed black and gray.

Q. What was Doyle's size?

A. About five feet one inch.

Q. What was O'Donnell's size?

A. Five feet ten and a half or eleven, I should judge.

Q. Do you recollect what kind of hair he had?

A. His hair was kind of brown.

Q. What was his build?

A. His build was slim, but straight and square.

Q. Was it at the noon of that day, the 31st of August, that they stated they were to kill this boss?

A. Yes; the noon of that day.

Q. State simply the fact whether on that day you endeavored to communicate this information to Captain Linden?

(Objected to.)

Q. State whether on that day you endeavored to communicate with the agency?

(Objected to.)

Q. That was the last you saw of these men on that day?

A. Yes, sir.

Q. When did you next see these men, or either of them?

A. I saw both of them the following morning. I guess about twenty minutes to eight.

Q. Whereabouts did you see them?

A. In Michael Lawlor's.

Q. What time did you go to Lawlor's that morning?

A. I guess a little after seven o'clock, or a quarter-past seven.

Q. Did you go alone?

A. I went alone.

Q. Who did you meet at Lawlor's?

A. Thomas Hurley and Michael Lawlor; he had been after getting hurt in the mines and he (Lawlor) was not able to go out to work.

Q. How long were you there before you saw some of these men?

A. I was there may be twenty minutes.

Q. Who did you see then?

A. Michael Doyle.

Q. The same men you had been speaking with on the morning of the 31st?

A. Yes; and James O'Donnell.

Q. The same O'Donnell?

A. Yes; and Charles O'Donnell, and James McAllister and Thomas Munley.

Q. Tell us where you saw them?

A. I saw them in Lawlor's saloon.

Q. Which way did they come in?

A. From the rear, from the north of the house.

Q. That is the side of the house toward the mountain?

A. Yes, sir.

Q. State whether that is the mountain that runs along back of Shenandoah toward Raven Run?

A. Yes; they call it there the Ringtown mountain. They may have some other name.

Q. They came in by the door that is toward the mountains?

A. Yes, sir.

Q. What room did the door open into?

A. Into the kitchen. The kitchen is north of the bar-room, and the door into the kitchen is facing west; it is a side door in the kitchen. They came into the side door and they came through into the bar-room.

Q. At the time they came in describe their condition?

A. They were very warm and rather fatigued and sweaty.

Q. State whether you noticed them having anything with them?

A. Doyle carried this Smith & Wesson pistol I referred to on the previous day, and a double-barreled pistol, loaded with powder and ball—an old-fashioned style; and James O'Donnell had his two pistols that I spoke of before. Charles O'Donnell carried a large navy revolver and a small-sized pistol, and McAllister carried the same, and Munley the same—each of those three had a large navy revolver and a small-sized pistol.

Q. Each of them had a large navy revolver and also a small one?

A. Yes, sir.

Q. Did they produce these pistols at Lawlor's saloon?

A. Yes, sir; they did.

Q. What was done with the pistols?

A. Lawlor took the pistols and proceeded to go upstairs—that is, the pistols belonging to McAllister and the O'Donnells, as they made a remark, some of them—
(Objected to.)

Q. They were produced, and he took them to go upstairs?

A. Yes, sir.

Q. State whether or not, in obedience to any request, he brought them back again?

A. He brought them right directly back again.

Q. Did the persons who had given them to him retake them into their possession?

A. Yes; and put them into their pockets.

Q. How long did the parties remain there in the saloon?

A. I think about a half an hour, probably.

Q. Who left first?

A. Doyle was the first one to go out. He went down to get some breakfast, and changed his clothes.

Q. Was he wearing the gray coat when he came in?

A. Yes; he was wearing the gray coat. The two O'Donnells and McAllister went out and stated they were going home. Doyle returned again, and he and Hurley and Munley and I went out together, and went up town to Tobin's ball alley.

Q. State whether, while the parties were in the saloon at Lawlor's, after they came in at the time you mentioned, they remained there in conversation?

A. There was nobody came in but the parties I have mentioned.

Q. State whether these parties that came in—whether you and the rest were in conversation there?

A. Yes; until they left.

Q. Did they receive drink and refreshment there?

A. Yes; some of them had two or three drinks of whisky. I forget how much they drank, but probably two or three drinks.

Q. Did they appear to be thirsty?

A. Yes; very thirsty, and drank almost a pitcher of water.

Q. What kind of a coat had Doyle on when he came back?

A. A short jacket, kind of blue, and faded, though.

Q. Have you any recollection of the time that yourself, Munley, Doyle and Hurley left the saloon?

A. I think it must have been pretty near ten o'clock, or between nine and ten.

Q. And the O'Donnells had already gone?

A. Yes, sir.

Q. Had you ever met this McAllister, who was present at this time, to know him personally, before that morning?

A. I had seen both of the brothers on two or three occasions, but I never had known personally their surnames, or at least their Christian names. I knew one was Charles and the other James, but I could not distinguish which was Charles and which was James.

Q. Was there a considerable family resemblance between them as to features?

(Defendant's counsel objected that it is irrelevant and immaterial.)

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. There was a very strong resemblance in the complexion and appearance in general, but James was the larger man.

Q. State whether the resemblance extended to the eyes and the color of the hair?

A. Yes; and the complexion of the face.

Q. State whether or not it was such a resemblance as might cause one to be taken for the other by persons who were not personally acquainted with both?

(Objected to.)

Q. This Edward Monaghan, whom Doyle mentioned as having furnished him the pistol, state whether or not he was a member of the organization?

(Defendant's counsel objected that Monaghan is not on trial in this case, and not even included in the conspiracy.)

THE COURT:—The witness may state if he knows.

(Exception taken by defendants. Bill sealed.)

C. L. PERSHING. [SEAL]

A. Yes; of the Shenandoah division.

Q. Did he occupy any position beyond that of being a mere member?

A. He was a mere member.

Q. Munley went with you to Tobin's ball alley?

A. Yes, sir.

Q. How long did he remain there?

A. For some time. I guess it was between twelve and one o'clock—perhaps a little after twelve. They played a few games of ball—Doyle and Hurley did—and I kept game for them.

Q. Where did Munley go after that?

A. He came to the corner of Main and Centre streets and then went south on Main street, and said he was going home.

Q. About what hour of the day was it?

A. I guess it was about half-past twelve or probably on toward one o'clock.

Q. Did you see him again that day?

A. I saw him that evening about seven. I saw him upon Centre street, in Shenandoah, in Frank McAndrew's, that night. I was with him from half-past seven up to ten o'clock that evening.

Q. What occasioned his presence at McAndrew's; was there a meeting of the order there?

A. There was a meeting there to appoint men to kill—
(Objected to.)

Q. Where did he go that night?

A. He left Shenandoah to go to Mahanoy City.

Q. Did you go over to Mahanoy City?

A. I did not; but I met him there the following morning.

Q. Who did he go with?

A. Michael Darcy, of Gilberton. I met him there on the first train that arrives here in Pottsville at 9.30. I do not know what hour it is due exactly at Mahanoy City.

Q. Did he then go with you upon the train?

A. Yes, sir. He and Darcy occupied the seat in front of me in the same carriage.

Q. Where did you go that day?

A. To Tamaqua. I went to the Columbia House, and afterwards to James Carroll's saloon, and met Munley there, and Darcy.

Q. How long did he remain at Tamaqua?

A. Until the noon train going west. He took the noon train.

Q. Was it a train that would take him home?

A. Yes, sir.

Q. Did Darcy go with him?

A. Yes, sir; and I remained at Tamaqua.

Q. About what time would that arrive at Munley's home in Gilberton?

A. I do not know; but the time-table will tell.

Q. As near as you can tell?

A. I suppose it would get down there about half-past one o'clock, or about that.

Q. What day was it that Munley returned to Gilberton from Tamaqua?

A. It was on Thursday, the 2d of September, I know.

Q. Had you learned at that time that Sanger had been killed, or when did you first learn that he was killed?

A. Upon the morning of the first I learned his name.

Q. Then you first learned his name?

A. Yes, sir.

Q. And that was after his death?

A. And I learned what colliery he was working at the first time.

Q. Do you recollect the time when Thomas Munley and Charles McAllister were arrested for complicity in the murder of Sanger?

A. Yes; I remember the time in February, 1876.

Q. Do you recollect whether or not you met this defendant after that arrest had been made?

A. I met him the day of the *habeas corpus* hearing, which I think was about the 23d of February.

Q. Where did you meet him?

A. I first met him right here at this court-house, and afterwards in Danny Hughes' saloon. I rode up to Frackville on the cars that evening.

Q. Was Danny Hughes a member of the organization?

A. Yes, sir.

Q. If you had any conversation with Donnelly in regard to the murder of Sanger on that day, tell us where it was and all that he said.

A. In Danny Hughes' saloon, after the hearing of the *habeas corpus*, there were several parties present, and it was the general topic—the *habeas corpus*.

Q. Were the parties present members of the order?

A. Yes; and parties present that were not members of the order—a good many were present. Donnelly took me aside in the saloon and stated it did not make any difference about this *habeas corpus* hearing. I said I did not suppose it did. Said he, "In the arrest of McAllister they have got the wrong man anyhow, and so far as Munley is concerned I am going to swear that I was well acquainted with him, and that he was not there; of course, I know different, as I know all about it." I said, "I think you would make a very important witness, in that case." He then borrowed thirty-five cents, to pay his fare to Frackville, and I gave it to him.

Q. Did you have any conversation with him at any other time?

A. Oh, he was blowing, going up in the cars, what he

could testify to, and of course would grin and laugh at me, and tell what he could testify to.

Q. Could you give the substance?

A. He said he was well acquainted with the whole party at the murder, and if they were all arrested he would testify that he knew that they were not there; but he said he knew different, as he knew all about it.

Cross-examination by Mr. L'Velle.

Q. Were you initiated into the Ancient Order of Hibernians by Michael Lawlor, commonly known by the name of Muff?

A. Yes, sir.

Q. In a meeting of the organization?

A. Yes, sir; in a meeting of the organization.

Q. Was it a regular or improvised meeting?

A. It was the same kind of a meeting held afterwards there.

Q. Answer my question; was the meeting called for the purpose of initiating you into the order?

A. I cannot tell.

Q. Did you make application before that?

A. I talked with Lawlor about it, and talked with Monaghan about it.

Q. Did you make application?

A. I did not make any application at all. I told them I was originally a member, and would like to join again.

Q. That you would like to rejoin?

A. Yes, sir.

Q. And in this rejoining, it was necessary to put you through the whole thing, was it?

A. Yes; I did not have my card, you know.

Q. To give you the whole privileges of the order?

A. Yes, sir.

Q. Was it in the bar-room?

A. No, sir; in a bedroom up-stairs,—the front room.

Q. Who were there?

A. Peter Monaghan, Edward Ferguson, Thomas Hurley, and McNulty. I believe that was all that was present upon that occasion, and Muff Lawlor, himself.

Q. Who administered the obligation to you?

A. Lawlor.

Q. Was the meeting opened formally?

A. I could not tell you how they opened the meeting; they were in session when Monaghan came down-stairs and requested me to go up.

Q. How long were they in session?

A. I do not know; they were in the bar-room when I went in.

Q. How long after you went in the bar-room were you invited into their secret conclave?

A. They went out of the bar-room one by one.

Q. Was it an hour?

A. Immediately after I went in, and it was then they were out twenty-five minutes or so, when Monaghan came and told me to come up-stairs. They were out some time, I know.

Q. Did that initiation admit you to all the rights and privileges of the branch in Shenandoah?

A. Yes; of any new member in Shenandoah or elsewhere.

Q. Or any other branch in the county?

A. Yes, sir.

Q. Or elsewhere through the State?

A. Yes; so far as my knowledge goes.

Q. Did you ever visit any branch of the order outside of the coal region in Pennsylvania?

A. Never.

Q. Why do you say, then, throughout the State?

A. So far as my knowledge goes.

Q. Your knowledge does not extend beyond the coal regions?

A. Not with the society.

Q. Did you ever try to gain admission to any branch or body of the Ancient Order outside of Schuylkill county?

A. Yes, sir; at Hazleton.

Q. Outside of the coal regions?

A. No, sir; you asked me outside of Schuylkill county; not outside of the coal regions.

Q. You know the Ancient Order of Hibernians to flourish elsewhere?

A. Yes, sir.

Q. In Chicago?

A. Yes, sir.

Q. Of your own knowledge?

A. I have heard of them.

Q. Have you seen them parade there?

A. No. I have seen the Hibernia Benevolent Association parade there, but not the Ancient Order of Hibernians.

Q. It is a matter of public notoriety that such an order does exist there?

A. Yes, sir.

Q. On the morning of the 1st of September, when you went to Lawlor's, you say it was about eight o'clock?

A. No; I did not say so. I said I went there a little after seven, or quarter-past seven.

Q. I do not mean the first time; you went there twice that morning?

A. I did not.

Q. Did you not go there about the time you met these men, Munley, McAllister, the O'Donnells and Doyle?

A. I was there before they came there.

Q. Did you remain in Lawlor's from the time you came there until they came there?

A. Yes, sir.

Q. You did not leave the house in the interval?

A. I never left the house in the interval.

Q. Who was in the house when you first went there?

A. Thomas Hurley and Michael Lawlor. I met Hurley there, to the best of my knowledge now.

Q. Was Mrs. Lawlor there then ?

A. Not when I went in, that I remember now.

Q. Did you see her in the house at all ?

A. Yes ; I saw her in the house.

Q. What time ?

A. I do not recollect whether it was before they came in or some time afterwards.

Q. You say these men remained about a half an hour in Lawlor's ?

A. Yes ; they might have remained longer. I was not very particular as to the time.

Q. What time did they come there that morning ?

A. I judge twenty minutes or a quarter of eight. I kept railroad time myself.

Q. You have been in Raven Run ?

A. Yes, sir.

Q. How near is it to Shenandoah ?

A. I could not hardly tell you.

Q. Was it three miles ?

A. I think it is hardly that ; it might be that.

Q. When you went down to Lawlor's in the morning, did you expect to hear of the murder of this boss ?

A. I expected it had been done the day previous.

Q. Did you not know it was not done the day previous ?

A. I did not know anything about it. It was to have been done the day previous, and I heard nothing to counteract the intimation I had.

Q. Would you not of heard it when you went to Lawlor's that morning, if it had been done ?

A. I could not say.

Q. Do you say that you could not have learned it from the commotion, or the excitement in the town ?

A. But I did not hear of it.

Q. But you expected to hear it occurred ?

A. I did not say I expected to hear anything about it when I went to Lawlor's, but I expected the murder was committed the day before.

Q. And that it was committed about the time that Doyle told you?

A. I could not tell you; they might have missed him.

Q. What did you go to Lawlor's for?

A. To hear the news and have a drink.

Q. About the murder?

A. I was interested in that too.

Q. Did you go there to learn of the murder that you expected happened the day before?

A. I went to find out if they knew anything about it.

Q. Did you talk about this murder before Munley came in?

A. I do not know whether it was Hurley or Lawlor made a remark wondering how the boys got on at Raven Run, and Lawlor said that there was no mistake, that anything the O'Donnells went about would be a clean job.

Q. About what hour was that conversation?

A. It was between seven and eight o'clock; it was probably half-past seven.

Q. And certainly before the coming of these men to the house?

A. Yes, sir.

Q. Did those five men come into Lawlor's together?

A. They came single file, one after the other.

Q. With what interval of time?

A. Just immediately.

Q. Did they come in almost abreast, or one after the other?

A. They did not come in abreast at all; one after the other.

Q. Who came in first?

A. Doyle.

Q. Who last?

A. Munley, if I remember now.

Q. Who second last?

A. I am not positive whether it was Charles O'Donnell or James McAllister; I am not positive.

Q. Where was James O'Donnell?

A. He was the second to come in; the next after Doyle. Doyle was first and he was second. That I am positive of.

Q. Doyle had the coat on that he borrowed from you the day before?

A. Yes; he had the coat on.

Q. The same coat?

A. Yes, sir.

Q. Did they remain in the bar-room while they were there?

A. Yes, sir.

Q. Did they have the doors barricaded?

A. No, sir.

Q. Did they have sentinels to guard the approaches to the door?

A. No, sir; not to my knowledge.

Q. They were standing with you and Hurley altogether for the space of half an hour?

A. Standing about and sitting for what time they were there.

Q. Did they express any apprehension of any one coming in or attacking them?

A. No, sir; not a bit.

Q. Lawlor's is in a populous portion of the town?

A. Yes; Coal street is built up all the way.

Q. Do you know what direction they came?

A. They said they came along the mountain; I could not tell what road they took.

Q. In a county convention of the Ancient Order, was it not the duty of all the body-masters to attend? Is not a county convention composed of body-masters?

A. It is all the body-masters and all the officers.

Q. Tell us who the officers were?

A. The officers would be the body-masters, the vice-body-masters, the secretary, and assistant secretary, the treasurer, but a great many divisions had only the body-master, who transacted all the business himself.

Q. Was the convention at Tamaqua on the 26th of August?

A. On the 26th or 25th.

Q. Was it a county convention?

A. It was called for a county convention, it was a county committee. It was certainly a county convention.

Q. What is the difference between a county committee and a county convention?

A. When a county committee meets there is only so many of the body-masters invited to attend as may be invited to act as a committee; but in a county convention all hands are invited; but after the meeting it sometimes happens that a county committee is selected, and the balance of the body-masters there are left off to move around and spend their five dollars with the society, among their friends' saloons. On that occasion it was called for a county convention, but a county committee was appointed to do the business, and consequently a great number of body-masters were excluded from the convention.

Q. Was there not necessarily a county committee at every county convention?

A. Sometimes.

Q. Is it not inevitably the case?

A. No, sir.

Q. Give us an exception.

A. In the Old Town Hall here there was no county committee appointed, and at the meeting in Girardville there was no county committee appointed at that time. It was a county convention, but there was no county committee appointed.

Q. Who was it called by?

A. By the county delegates.

Q. Was it the meeting that the State delegate and those gentlemen from New York attended ?

A. Yes, sir.

Q. It was called by the county delegate ?

A. Yes, sir.

Q. And that county delegate then was Jack Kehoe ?

A. Yes, sir.

Q. Did you ever meet this defendant in any of the meetings of the organization except—

A. Never met him at a meeting.

Q. Never met him at any meeting in Shenandoah ?

A. No, sir.

Q. He lived at Raven Run ?

A. Yes, sir.

Q. You saw him frequently ?

A. Yes ; we never had any outsiders in our meeting.

Q. You saw him frequently at Shenandoah ?

A. Yes, sir.

Q. Has it not been the case that others not members of the organization have come into possession of the passwords and signs of the Ancient Order ?

A. Yes ; it has been that others have ; women and children have got them in Pottsville here now.

Q. Of course through your extensive knowledge and circulation of the secrets ?

A. I can not tell.

Q. The agency was not the exclusive custodian of the secrets you had of the Mollie Maguires ?

A. Yes ; the agency was, or the persons connected with it ?

Q. You knew Tom Hurley ?

A. Yes, sir.

Q. When did he steal the letters out of your trunk ?

A. He never took any out of my trunk. He took some money out of my pocket ; he took some money out

of my pocket which was afterwards refunded by his mother, but never letters that I know of.

Q. Are you positive of that?

A. I swore that Hurley did not get any letters.

Q. Will you swear upon this stand that some of your letters, or some letters in your custody, were not exhibited in the town of Shenandoah?

A. Well, I have never known it.

Q. Could they have been exhibited without your knowledge?

A. I do not believe they could. I do not think they could.

Q. Do you swear upon this stand that certain bank officers in Shenandoah did not get possession of some letters, or read some of them?

A. I do not believe they did.

Q. Do you swear positively that they did not?

A. I do not swear that they did not; no, I swear they did not read any letter belonging to me, so far as my knowledge is concerned.

Q. This money that Hurley took from you was taken from your trunk?

A. No, sir; out of my pocket when I was in bed.

Q. Did you keep any letter in your trunk or on your person?

A. I kept no letter at all—that is, no letters connecting me with the agency.

Q. Were there any checks or drafts from the agency?

A. Neither checks nor drafts from the agency.

Q. Through what means were you paid your wages?

A. I was not paid any wages at all. They were put in bank. I received my expenses.

Q. And they were pretty heavy?

A. As the case required. I received them through post-office orders and express, and times when I visited Philadelphia I got them direct from the cashier.

Q. Were they cashed in Shenandoah ?

A. I got several post-office orders cashed in Shenandoah.

Q. Were they all cashed in Shenandoah ?

A. No, sir; nor a third of them; probably not.

Q. Were your orders cashed where you designated them to be cashed ?

A. I always got them cashed where I designated them to be.

Q. A letter came to the place designated in your order ?

A. Yes, sir.

Q. Do you know when you were first detected ?

A. On the 23d of February was when I first discovered it, but I do not know how long other folks discovered it before, simply because you told me at one time you knew it in 1873.

Q. I did tell you I knew of your real character in 1873; was it possible ?

A. It was not impossible, although it did not seem feasible to me.

Q. You were a witness all the time during the trial of Munley ?

A. Yes, sir.

Q. Donnelly was not a witness ?

A. No, sir.

Q. He did not go upon the stand and swear what he told you ?

A. No, sir.

Q. Then he told a lie ?

A. He told me a lie, so far as going upon the stand and swearing is concerned.

Q. He told you that he knew those parties that were there ?

A. Yes; he said he knew all about it.

Q. And so you knew at that time ?

A. Yes, sir.

Q. At the time that Donnelly told you that he was a member of the order, did you so report ?

A. Yes, sir.

Q. That Dennis Donnelly was a member of the order?

A. Yes, sir.

Q. And from the information he himself gave you?

A. Yes; from throwing the sign.

Q. How soon after that did you have a conversation with him as to his connection with the order?

A. I met him several times. I met the man so often.

Q. Did you meet him in March?

A. Yes; several times.

Q. When was it he told you he was out of the order?

A. It was sometime in the winter—about December, 1874.

Q. You stated he was a member in September, 1875?

A. It was either in August or September.

Q. You do not know which month?

A. No, sir;—but excuse me,—yes, he was a member in 1875.

Q. How do you know?

A. Through the organization I knew it.

Q. Did he tell you he was a member?

A. It was not necessary; it was a common conversation amongst us who were members and who were not. There was some trouble about Donnelly; some did not like to have Donnelly back again after he was expelled.

Q. Do you not know he was expelled in March, 1875, and not reinstated until December, 1875?

A. I do not know how long he was expelled.

Q. Do you know the reason he was expelled?

A. I heard it was about some money. He told me it was himself, that it was some trouble about some money, but I could not tell what it was.

Q. If Dennis Donnelly had been expelled for betraying the secrets of the order, it was not for money he was expelled?

A. That may all be, because I was not at the meeting he was expelled?

Q. You knew when he was expelled?

A. I knew he was expelled.

Q. And he was then body-master at Raven Run?

A. Yes, sir.

Q. Who succeeded him?

A. Patsy Butler.

Q. How long was he body-master?

A. I do not know; you will probably have an opportunity to question him.

Q. Can you tell us when charges were preferred against a body-master whether he is expelled from the order, or whether he is suspended?

A. I have seen both cases.

Q. Do you know which was the case in Donnelly's case?

A. I heard it was suspension, through the organization.

Q. Before you heard he was expelled?

A. Yes; I did not hear he was entirely expelled—of course it was expulsion from the benefits of the organization.

Q. Did you not say he was expelled for something about money?

A. Yes; but I should have substituted suspension instead of expulsion. Expelled is the general term used, that he was excluded from the society altogether, and suspension would be for a while.

Q. Is that your full answer?

A. There is still another remark I would like to make; as a general thing most of the members in talking—members of the organization not so well used to grammar as my friend Mr. L'Velle—they would say expulsion when suspension was really meant, and I suppose suspension when expulsion was really meant.

Q. Have you been under the ban or discountenance of Mollie Maguires in Schuylkill county?

A. I was never expelled that I know of, but I suppose I have been.

Q. But you suppose you have been expelled?

A. I think so.

Q. Since you betrayed them?

A. So far as that is concerned, I was doing that all the time.

Q. Since you betrayed them into crime and into justice?

A. Since I exposed their crime and procured justice.

Q. You never prevented crime when you were in the order, did you?

A. Yes; all along.

Q. Did Dennis Donnelly tell you he was at Raven Run on the morning of the shooting?

A. He did.

Q. Did he tell you that he recognized the men?

A. Yes; he told me that he knew the men. He said he knew the men and all about it; that was the term he used—that he knew the men and all about it. That was the expression he used.

Q. You knew as much about the shooting as he did?

A. I guess not. I do not think I did.

Q. Did you not know it was to be perpetrated?

A. Yes; and the party who did it.

Q. That morning at Cooney's was the first you ever heard of the shooting of this boss?

A. Yes; the first I heard.

Q. It was not hatched in the division at Shenandoah?

A. I do not know.

Q. So far as you know it was an individual operation of the members of the order?

A. I cannot tell you anything about that.

Q. It was not in consideration of a Mollie Maguire job elsewhere?

A. Yes; I know that.

Q. Who was the body-master that this requisition was made on?

A. I could not tell you.

Q. You told us in your examination-in-chief that when such jobs were to be perpetrated one body-master would make a requisition upon another body-master?

A. I said that was a general thing. I did not say it was always the case, but a kind of general thing.

Q. On that morning that Doyle told you all about this murder, did he tell you what this was to be done for?

A. He did not.

Q. Did he tell you that he was going to assist to shoot the boss at Raven Run?

A. Yes, sir.

Q. That was on the morning of the 31st of August, on the day before the shooting of Sanger?

A. Yes, sir.

Q. On your return from the hearing of the *habeas corpus* in the Munley case was not Mr. L'Velle in the cars with you going up?

A. Yes; part of the time;—nearly all of the time, I guess.

Q. In the smoking car?

A. Yes; Mr. L'Velle was in that car.

Q. But he was not in the secret?

A. I could not tell how much he knew.

Q. Not in that secret?

A. Not as I know.

Q. Was John Donnelly in that car?

A. Yes, sir.

Q. Was he sitting right behind you a part of the time and on the same seat?

A. I do not know that he sat part of the time on the same seat; John Donnelly was on the same car.

Q. Was Dennis Donnelly sitting on the same seat?

A. He had been back and forth, and he even passed your seat and spoke to you.

Q. Was he at any time speaking to you?

A. Yes; he sat down two or three minutes.

Q. At what place?

A. It was between St. Clair—no, I forget. I will not swear to that. I know the seat I occupied. McAndrew occupied a seat, but if I remember the time he talked to you you occupied the second seat on the left-hand side, and I occupied about the middle seat upon the right-hand side; you sat next to the window, and I sat next to the window, and McAndrew sat beside you and talked to you.

Q. Was your character discovered at that time?

A. I had learned that day that some supposed I was a detective; but I think there was not anybody that thought so except you that knew it from 1873.

Q. Do you know that I had informed parties at Mahanoy Plane on that day of your character?

A. I do not know.

Q. Do you know that I told Captain Linden of your character; that you were known and spotted?

A. I do not know.

Q. Have you heard it since then?

A. I do not know.

Q. Do you know what I told McDermott at the foot of the plane on that day when you wore a cap?

A. Yes; I wore a cap.

Q. It was the 23d of February?

A. Yes, sir.

Q. Do you know whether Donnelly was a witness in the *habeas corpus* hearing?

A. I do not know that, but he said what he was going to swear to.

Q. Do you know whether or not he was a witness?

A. I do not know anything about it.

Q. Do you know whether he was a witness before the coroner's inquest?

A. I do not know anything about it.

Q. Did he not tell you he was a witness here upon the part of the Commonwealth?

A. No; that is, he said he would be subpoenaed upon the part of the Commonwealth certainly; he said he was a witness.

Q. Do you know whether he was examined?

A. I do not know.

Q. Were you here in the court-house?

A. No, sir; I was not; they would not let me in.

Q. You made a trial to get in?

A. I made a feint to show I would be put out, and I asked a policeman to let me in and he would not let me in, and that showed I was not a detective.

Q. Do you recollect of taking a newspaper out of Donnelly's hand that day on the cars?

A. Yes; I believe I took a Chronicle.

Q. Was the Chronicle published in Pottsville at that time?

A. Yes; I think before. It may have been a Shenandoah Herald; I could not tell you.

Q. Why did you say it was a Chronicle?

A. Because I think it was a Chronicle.

Q. Was it not a Miner's Journal?

A. I think not; it may have been, but I would not swear.

Q. At the time you talked with Donnelly in Hughes' saloon, the saloon was pretty full?

A. Yes, sir.

Q. Quite a number were there?

A. Yes, sir.

Q. Quite a number that were not members of the Ancient Order?

A. Yes, sir.

Q. How large a place was Hughes' saloon?

A. I do not know. It might be probably twenty feet wide, or better than that, I guess. It would extend twenty-four or twenty-five feet or more, or thirty feet.

Q. He called you over to the counter?

A. Yes, sir.

Q. And told you he knew all about it?

A. Yes; he told me what he was going to testify to; the nature of it.

Re-direct examination by Mr. Kaercher.

Q. In answer to Mr. L'Velle you stated that you had been a member and wanted to rejoin; if you made such representations in order to secure your admission, tell us the circumstance under which you made those representations?

(Defendant's counsel objected.)

Q. Tell us what was said at the time to Lawlor in reference to your having been a former member and wanting to rejoin?

A. I stated I had been formerly a member in Buffalo, but that I had committed crime and that I did not dare to go back, and I did not dare to write to the body-master for a card unless it would be detected, and so I would re-join anew.

Q. Was it true that you had committed a crime in Buffalo?

A. I stopped there a half a day once; no, sir.

Q. Was there any objection made to your reception in the order upon the ground that you had committed crime?

A. No, sir.

Q. Had you been a member of the order?

A. No, sir; I did not know anything about it.

Q. You never investigated the character of the organization outside of the coal regions?

A. No, sir; I never did. I do not know anything about it outside of the coal region.

Q. Repeat the remark made in Lawlor's saloon on the morning of the 1st of September about a clean job?

A. Some of them made a remark, they wondered how

the fellows got along at Raven Run, and I think Lawlor said there was no doubt that they got along all right; that anything the O'Donnells went about would be a clean job.

Q. Among the members of the organization the word "clean job" had a specific meaning?

A. Yes; they had.

Q. What was the meaning of those words in the organization?

A. Any outrage that was committed, whether killing a man or beating a man, if the parties did it and got away it was a clean job; most anything that way was a clean job.

Q. Mr. L'Velle asked you when these men came in whether they expressed any apprehension of any one coming in upon them at Lawlor's, what did they say?

A. Doyle came in and says, "It is all right." He was immediately followed by James O'Donnell, and O'Donnell said, "We made a clean job; we killed two, we only intended to kill one." Then the other parties came in and each one described as to what part he took in the shooting. Charles O'Donnell and Doyle and Charles McAllister kept rather in the rear and stated they had fired some shots to intimidate the crowd, and had fired at some house; they thought that James O'Donnell fired the first shot, and the man fell over, he tried to get up, ran around and tried to get upon some steps, and then Munley said he met him and gave it to him and then O'Donnell fired another shot, and then they went around behind the breaker, or some place and tried to get over some fence, and that Heaton came and fired at them and they returned the fire at Heaton—that is, Munley and O'Donnell.

Q. Which O'Donnell?

A. James O'Donnell, and they went around behind the breaker, and they had a bottle of whisky there and drank the whisky. They said they changed their hats, I think,

and buttoned their coats up. I do not know now whether they changed their coats or not, but they changed their hats and caps, and turned the collars of their coats up around their necks, so that each one had a different hat or cap from that he generally wore.

Q. Is that all you remember about their changing their clothes?

A. Yes, sir.

Q. Do you remember whether they said how many they had shot?

A. They said they shot two, but they did not know but they had wounded more. They said they thought there was one woman wounded, too, come to think of it.

Q. Did they say that any person ran away when they were there?

A. I do not recollect of that myself.

Q. You stated that Charles McAllister was there; you used the word Charles McAllister, was that correct?

A. It was not correct. It was not Charles McAllister, I have since learned their Christian names—both of them. I have seen Charles McAllister here in court and I know he was not the man who was there.

Q. Did you mean to say Charles McAllister?

A. No, sir.

Q. It was a slip of the tongue?

A. Yes, sir.

Q. Did they say they came along the mountain?

A. Yes; they stated they came along the mountain, run pretty hard and were pretty warm. They did not think that anybody saw them.

Q. What was said about the pistols?

A. In giving up the pistols the remark was made that the large navy pistols looked cumbersome. They had the pistol down here (indicating the belt). Charles O'Donnell and McAllister, it was down their side and the stock came up here (indicating) and both of the men seemed to be a

little short in the waist, and consequently the navy revolvers showed; that was the idea of taking them out and handing them to Lawlor, lest they might be seen.

Q. You stated, in answer to Mr. L'Velle, that Donnelly was not present at any meeting of that division—that is, the Shenandoah division. State whether it was usual for outsiders or persons belonging to other divisions to be admitted in at the meeting of another division?

A. No.

Q. Was it very unusual for that to occur?

A. It never occurred unless there was a card. There might be an exception sometimes.

Q. You stated that the women and children had these goods; has that been since the exposure of the organization?

A. Yes, sir; certainly.

Q. You said you were paid no wages in the county but simply your expenses?

A. What I meant was, that I did not receive the wages; they were deposited in bank weekly.

Q. State what amount you received?

A. Twelve dollars a week and expenses.

Q. And the twelve dollars a week were deposited in bank for you?

A. Yes, sir.

Q. And you received your expenses—your actual expenses?

A. Yes; all the operators received their expenses.

Q. Was that bank in this county.

A. No, sir; not as a general thing; no operators receive their wages while they are at work.

Q. You stated that you were discovered—that is, your character as a detective; when was that?

A. The first I learned was upon the 23d of February, 1876, on the day of the hearing of the *habeas corpus*, was the first I heard of it.

Q. Who told you of it ?

A. Frank McAndrew was the first man to tell me of it right here in the court-house, down-stairs. I met him and he took me aside and said they had been making bets coming down on the cars.

(Objected to.)

Q. State whether, in consequence of the information you received, you ascertained that your life was in danger ?

A. Yes ; I ascertained my life was in danger, and I was compelled to leave the county.

Q. These conversations that you had with Donnelly in Hughes' saloon, in Pottsville, and on the cars, state whether they were made in such a tone as others could hear them, or were the communications made to you personally ?

A. They were made to me personally in Hughes' saloon and on the cars. I could not tell whether anybody could hear anything that transpired or not.

Q. Have you any knowledge that anybody did ?

A. No, sir ; and I have no knowledge that anybody did not.

Q. When was it that Donnelly threw you the sign and was introduced to you as the body-master of Raven Run ?

A. It was in August or September, 1874. There was a foot-race at Shenandoah ; and a fellow named Sweeny was running there against somebody else.

Q. At the meeting in Tamaqua, were you occupied most of the day in attendance upon the committee ?

A. Yes ; I was occupied most of the afternoon of that day.

Q. What time did you meet in the morning ?

A. Between nine and ten o'clock—probably about ten o'clock.

Q. Were you down-stairs with the members, or where were you ?

A. I was up-stairs in the rear room.

Q. Where were the other members who attended the convention upon that day ?

A. The committee was in the front room up-stairs, and the other members generally occupied their time down at the bar.

Q. And out through the town, too?

A. Yes; all around.

Q. They met at the house of James Carroll?

A. Yes, sir.

Q. Mr. L'Velle asked this question, "You never prevented crime?" And you answered that you did. Was it true that you never prevented crime?

A. No, sir.

Q. But you did prevent crime?

A. So far as lay in my power.

Q. State how you prevented crime?

(Objected to.)

THE COURT:—We think the witness may explain, and he may state the general plan, but we do not want to go into any other offence.

(Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL.]

A. My general plan was to mislead the parties who were to commit it—to use devices to mislead them. I have been appointed upon committees to kill parties myself, and went with the committee and fetched them to the place, but through the plan I have taken I had to send the men back, and consequently it was stopped.

Q. You always caused the plan to miscarry?

A. Yes; I caused the plan to miscarry. Of course, crimes were committed in my absence.

Q. Did you attempt to prevent the commission of every crime that came to your knowledge?

A. Every crime I reported to the agency; and immediately to the agency from the time I came to the coal region.

Q. State whether of the commission of crime or intended

commission of crime you gave the earliest information you possibly could consistent with safety?

A. I always did.

Re-cross-examination by Mr. L'Velle.

Q. On the morning of the 31st of August, 1875, Doyle communicated the fact to you that they were going to kill a boss at Raven Run?

A. Yes, sir.

Q. Distant two or three miles from Shenandoah?

A. Yes, sir.

Q. Tell this court and jury why you, living within three miles of the poor fellows that were to be killed, that you made no effort to save their lives?

A. Yes; quite easily; in doing so I ran in danger of losing my own.

Q. How did you endanger the losing of your own?

A. On that morning, Thomas Hurley was present, as I have already stated. On that day Hurley was not at work. On that day I devised every plan I could to telegraph to Captain Linden, or telegraph to the agency to find out whether Captain Linden was in Shenandoah—of course he was not, but I did not know that then. Hurley remained with me from the time we first met in the morning, and when I went into Phillips' store on the pretense of purchasing some paper to write to a friend of mine, though I went in there to dispatch to Philadelphia, if Mr. Franklin knew where Linden was and he could have dispatched to Linden, and he could have gone to Raven Run; but I did not know what colliery the boss worked at, or what was the name of the boss, but Hurley remained with me all day. I do not know that he had any loss of confidence in me or that he considered that I was a traitor, or a detective or anything at all in that way, but he remained with me all day, and consequently it was impossible. Suppose I leave Hurley to go to Raven Run and go around to

this colliery. (Objected to.) Did you not ask me for an explanation?

THE COURT:—The witness will simply state the facts and circumstances.

A. Hurley remained with me up until it was ten o'clock and it was utterly impossible for me to give any information without endangering my own life, which it certainly would. I could not go to Raven Run. I did not know what boss was to be killed or what colliery he was at, but if I could have found Linden, and he had got his men stationed there, the probabilities are that the boss' life might have been saved, but those things were impossible.

Q. Was that all your answer?

A. Yes, sir.

Q. And at that time, to wit, on the 31st of August, you were a Mollie Maguire in good and lawful standing?

A. Yes, sir.

Q. Unsuspected by anybody?

A. So far as I knew.

Q. Unsuspected by any of the members?

A. So far as I knew.

Q. And trusted by any of them?

A. So far as I knew.

Q. What hour did you get up that morning?

A. About seven o'clock, probably, or a little before.

Q. Did Doyle and you sleep in the same room?

A. Yes, sir.

Q. And in the same bed?

A. Yes, sir.

Q. Was it after you got out of bed and after he got out of bed that he told you of the proposed assassination?

A. Directly as I got up, I saw the revolver, and woke him up, and he got up.

Q. How soon did you meet Hurley?

A. He was down in the yard while we were eating breakfast; it may have been ten or fifteen minutes.

Q. You did not have breakfast before you got out of bed ?

A. No, sir ; I don't generally have breakfast before I get up.

Q. Did Hurley eat breakfast with you ?

A. No, sir.

Q. Or eat dinner with you ?

A. No, sir.

Q. Or eat supper with you ?

A. He came around.

Q. Did he sit with you ?

A. He did not sit with me and eat anything with me, but he was with me just the same.

Q. Did he attend with you on deeds of necessity that day, and accompany you ; did he accompany you to water-closets ?

A. No, sir ; he did not.

Q. You knew several parties in Shenandoah at that time ?

A. Yes, sir.

Q. You knew Malachi Cleary ?

A. Yes, sir.

Q. And other good citizens in that town ?

A. Yes, sir.

Q. Did you see any of them that day ?

A. I did not see Malachi Cleary.

Q. Did you see men that day whom you knew were not Mollie Maguires ?

A. Yes, sir.

Q. And Hurley was with you all the time ?

A. Yes, sir.

Q. Here and there ?

A. Yes, sir.

Q. And everywhere ?

A. Yes, sir ; with me all the time.

Q. When you went to Lawlor's, who introduced the

conversation about the killing at Raven Run,—the clean job?

A. I think it was Hurley.

Q. Did not Lawlor know all about it at that time?

A. It was the first intimation that I had that Lawlor knew anything about it. He appeared to have been talking with Hurley about it.

Q. And took part in the conversation as to the ability of these men to do this clean job as much as you did or Hurley?

A. Yes, sir.

Q. And manifested a knowledge of the murder that took place that day?

A. When I went in there and sat down, I was sitting sometime, and Hurley remarked, "Well, I wonder how the boys got along at Raven Run." Lawlor remarked that "There was no doubt it was a clean job."

Q. He did not ask about the job?

A. No, sir; not in my presence.

Q. That was Michael Lawlor?

A. Yes, sir.

Q. He is in attendance at court?

A. I do not know; I have seen him here.

Q. A witness on the part of the Commonwealth?

A. Very likely; I do not swear to it.

Q. Your reports went from Shenandoah or whatever point you happened to be located in?

A. Yes; generally from where I was located.

Q. Were your dispatches sent from Shenandoah?

A. I dispatched very little. I have sent one or two dispatches from Shenandoah.

Q. In cipher?

A. Yes, sir.

Q. You did not dispatch very much?

A. No, sir.

Q. You did not open your lips to a living soul about what Doyle told you?

A. I did not have any opportunity.

Q. Although you were within two or three miles of Raven Run?

A. Yes, sir.

Q. Do you know any collierys in Raven Run?

A. I do not know.

Q. How many bosses in each colliery?

A. I do not know.

Q. Did you know there were two collierys there?

A. I did not know.

Q. What other crimes that you yourself accompanied the criminals to perpetrate miscarried in consequence of your own unwillingness to be a party to the crime?

A. They miscarried in consequence of my unwillingness to take part in them myself, or if any other person took part in them.

Q. You did not propose to go with Doyle that day?

A. No, sir; I never proposed to go with anybody.

Q. I never asked you that question; did you ever volunteer to go with anybody?

A. No, sir.

Q. But you went?

A. Yes; when I was appointed. In some cases I was very glad I was appointed, so that I could stop it.

Re-direct examination by Mr. Kaercher.

Q. Did Doyle tell you that the crime was to be perpetrated the next day?

A. No, sir; that it was to be done at noon-time on the 31st, as the boss came out of the colliery they were to shoot him.

Q. You stated that you sometimes mailed your reports of your investigation from Shenandoah; did you direct them to any name that would be recognized as belonging to the agency, or that would show your connection with the agency?

A. It was always in a disguised address, not to the agency directly, but they eventually got there.

Q. Were you forbidden to communicate with any other person than your superior officers ?

(Objected to.)

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. The agreement between my employers and myself. (Objected to.) My instructions were to communicate to no person except to Major Pinkerton and Superintendent Franklin, of Philadelphia, but they were afterwards amended in 1875, that I should communicate with Captain Linden. The nature of the operation was such that I hardly knew what party to communicate to, and I would not leave myself under the power of anybody, it was so dangerous. I was instructed not to, and carried out my instructions, as by doing so I would have endangered my own life.

Q. State if you believe that if you had attempted to give any alarm it would have been at the risk of your own life?

A. Yes, sir.

Q. You were asked a series of questions in regard to one job or crime being a consideration for another crime to be done or perpetrated, and the counsel asked you whether you knew whether this killing of Sanger was done in consideration of another job or crime, and you said yes; tell us what that was if you know?

A. Yes; I do not know as I am prepared to testify to that, but you can find a witness who can. I know through the organization that the Raven Run men went and licked a man in Wiggan's Patch, or in that neighborhood, for to repay a job the parties had done at Raven Run.

Q. Who was the man they went to beat in consideration for the murder done in Raven Run?

A. The man was Quinn, that you tried here for the murder of his wife the other day.

Re-cross-examination by Mr. L'Velle.

Q. You say you had reason to believe your life was endangered on this day?

A. Yes, sir.

Q. Did you apprehend violence from any other party than Tom Hurley?

A. Violence from the whole organization; that I could not get out of the county.

Q. Could you not have come to Pottsville that day?

A. No, sir.

Q. Could you not have gone to Ashland, Mahanoy City or any other town without your motive being questioned?

A. I could not.

Q. And at that time you were as trusted a member as Doyle himself?

A. Yes; and I will explain that. The explanation is this, that Hurley was present and knew that I was in the secret that a party was to be murdered, and had I left Shenandoah and gone to Raven Run, or any other place else where I could have communicated with the authorities, it would be a known fact that I had left there and had no apparent reason. If I had come to Pottsville it would not have saved my life, but I would have to leave the region. The murder would go on just the same.

Q. Muff Lawlor, from what he said in your presence, was also in the possession of the secret, was he not?

A. I suppose so.

Q. Was his life in danger if he had revealed the fact?

A. Yes, sir.

Q. Would Hurley's life have been in danger; would you have shot him?

A. No, sir; I guess I would not.

Q. You were here on the trial of Quinn last week?

A. Yes, sir.

Q. You never told to the defense what you tell now to the jury?

A. Yes; I told Mr. Bechtel that it was a certain fact that the Mollies had licked Quinn.

Q. Did you tell him that you could prove it?

A. Only through the organization.

Q. Did you tell him to put you upon the witness stand?

A. No, sir; and I do not think it could have been proved in that way.

Q. (Mr. Kaercher.) You told it to Mr. Bechtel while the case was in progress?

A. Yes, sir. He was the counsel for Quinn. I could only prove it through the organization and I did not think it would be admissible.

(Recess for half an hour.)

Afternoon Session.

EDWARD FOX sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Do you recollect the day that Thomas Sanger was killed?

Answer. Yes, sir.

Q. Where were you living at that time?

A. At Gilberton.

Q. Where were you at work at that time?

A. Running a small engine or pump, between Shenandoah and Gilberton.

Q. Was there a path leading from Gilberton and Wiggan's past your place of employment to Shenandoah?

A. Yes, sir.

Q. State whether or not it was a traveled path over the mountains?

A. Yes, sir.

Q. How near did this path pass to the pump-house where you were employed?

A. Within two or three yards.

Q. Did you know a man by the name of James O'Donnell?

A. Yes, sir.

Q. Living at Wiggan's Patch?

A. Yes, sir.

Q. You knew him at that time?

A. Yes, sir.

Q. State whether you saw him at or about the time of the murder of Sanger?

A. I saw him on the 31st of August, on the evening, passing there.

Q. In which direction was he going at that time?

A. Going from Shenandoah.

Q. How was he dressed?

A. He had on a blue coat, a drab hat and light pants.

Q. Do you recollect whether he was alone?

A. He was alone.

Q. When did you see him next?

A. The next day, between ten and twelve o'clock, somewhere; he came into the engine-house for a drink of water.

Q. Did you speak to him?

A. Yes. He asked for a drink of water, and that was all. He got the water.

Q. Describe his appearance?

A. He looked as if he had been traveling very fast—his shoes and pants all dusty—and he looked sweaty.

Q. Was he accompanied by any person?

A. Yes, sir; another young man.

Q. Do you know who he was?

- A. No, sir; he was a young man.
- Q. Were you acquainted with Charles O'Donnell?
- A. No, sir.
- Q. Did you see another person with these two men?
- A. Yes. I saw another man up the hill apiece, I suppose fifteen or twenty yards, or something like that.
- Q. He did not come into the engine-house?
- A. No, sir.
- Q. Did you know him?
- A. No, sir.
- Q. Did this O'Donnell say where he had been?
- A. No, sir.
- Q. Did you notice where they went to after you had given them the water?
- A. Yes; they started up the hill to the path that crosses over to Gilberton; they could turn off most anywhere on the mountain and go into Wiggan's.
- Q. The last you saw they were going in that direction?
- A. Yes, sir.
- Q. They had come from the direction of Shenandoah?
- A. I cannot say; I was lying in the engine-house, and did not see any of them until they came into the engine-house.
- Q. When you did notice them, they went in the direction of Gilberton or Wiggan's Patch?
- A. Yes, sir.
- Q. What time of the evening of the 31st of August was it you saw James O'Donnell going in the direction of Shenandoah?
- A. It may have been between four and six o'clock.

Cross-examination by Mr. L'Velle.

- Q. You were examined in the Munley case?
- A. Yes, sir.
- Q. Did you say then that you saw James O'Donnell on the 31st of August?

A. Yes, sir.

Q. Do you say that you said that?

A. Yes, sir.

Q. Did you see him again on the 1st of September?

A. Yes, sir.

Q. What time in the day on the 31st of August was it?

A. It was between four and six o'clock—somewhere around there.

Q. You knew Thomas Munley very well?

A. Yes, sir.

Q. Was he one of those men?

A. No, sir.

Q. You say they went in the direction of Gilberton?

A. Yes, sir.

Q. What direction did they come from?

A. I do not know; I was lying in the engine-house.

Q. Is this engine-house between Shenandoah and Gilberton?

A. Yes, sir.

Q. You did not know any of the McAllisters?

A. No, sir.

Q. Did you know the two O'Donnells?

A. No, sir; only the one—James.

FREDERICK HOENICKER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where did you live in September, 1875?

Answer. In Wiggan's Patch.

Q. Did you live in the same patch and the same vicinity as James and Charles O'Donnell and McAllister?

A. Yes; right across the street.

Q. Is it the Mahanoy road that divides the patch into two pieces?

A. Yes, sir.

Q. You lived upon one side and they upon the other?

A. Yes, sir.

Q. Were you acquainted with Charles and James O'Donnell and James McAllister?

A. Yes, sir.

Q. Did you see any one come to their house upon the day before Sanger was killed?

A. I did not see them come to the house, but I saw Charles O'Donnell and James as I was washing myself in the shanty. I saw Charles go down the road, and there was a stranger sitting down on the other side of the railroad under a tree, and Charles got a drink out of a bottle from the stranger and had a conversation. Then, as James was going down, Charles was going away, and James and Charles had a few words together, and then he met the stranger and had a drink out of the bottle, and James and the stranger went toward Gilberton.

Q. What time was this?

A. As near as I can recollect, I think it was four or five o'clock.

Q. As I understand, you first noticed the movements of these parties when you saw Charles O'Donnell go down and meet the stranger?

A. Yes, sir.

Q. How far was the stranger from your home?

A. Perhaps, one hundred and fifty yards; it might be twenty or thirty yards the other side of the railroad, under a tree.

Q. Did the man remain away from the vicinity of the house?

A. He did.

Q. You did not notice him before you saw Charles O'Donnell going down to meet him?

A. No, sir; Charles remained until James was going down over the railroad, and then he came up and met James.

Q. Did they both return to the stranger?

A. No, sir; James came toward Charles and they had a few words, and then James went to the stranger, and they went toward Gilberton—toward the west.

Q. Did you know the stranger?

A. No, sir.

Q. What size of a man was he?

A. I could not say; a light-built man, to the best of my knowledge.

Q. Not a tall man?

A. No; I think not.

Q. Did you observe how he was dressed?

A. No, sir; he was too far away.

Q. Do you know the direction he was going,—would it bring them to the path that crosses over to Shenandoah?

A. Well, it would by their going to Gilberton.

Q. They would take the path that leads by the pump-house?

A. Yes, sir.

Q. Would that be a near way to Shenandoah?

A. It would from Gilberton; it would be nearer from our place.

Q. By taking another path?

A. Yes, sir.

Q. Do you know where Thomas Munley lived?

A. No, sir.

Q. Did you afterwards ascertain?

A. Yes, sir.

Q. Would that take you down in the direction where Munley lived?

A. It would.

Cross-examination by Mr. L'Velle.

Q. Did you know Thomas Munley?

A. No, sir.

Q. Did you recognize him as the stranger you saw?

A. No sir.

Q. (Mr. Kaercher.) Did you see Charles and James O'Donnell and James McAllister on the day that Sanger was killed?

A. On the day that he was killed—I do not know as I did see them at any time upon that day.

MRS. ANN HAYES sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Are you acquainted with, or did you know, James O'Donnell, Charles O'Donnell and Thomas Munley in September, 1875?

Answer. I knew James O'Donnell and Thomas Munley.

Q. And Charles O'Donnell?

A. I could not swear to him.

Q. Where were you living at that time?

A. At Gilberton.

Q. How far did you live away from these people?

A. I guess it was two or three miles.

Q. You were acquainted with them?

A. Yes; I used to live by them.

Q. Do you recollect the day that Sanger was killed?

A. Yes, sir.

Q. Did you see any of the persons I have named upon that day?

A. Yes, sir; I saw James O'Donnell, Thomas Munley and Michael Darcy.

Q. Where did you see them?

A. A few rods from my house.

Q. What time of the day was it that you saw them?

A. Between one and two o'clock, at Gilberton, on the day of the murder of Sanger.

Q. Was there anything that directed your attention to it?

A. Yes ; they were fussing on the road, and that is the reason I noticed them.

Q. Did you notice where they came from ?

A. I did not see where they came from ; they were in that place when I saw them.

Q. Do you know Mr. Martin Calahan ?

A. Yes, sir.

Q. How far were they from that place ?

A. Not many yards.

Q. State whether you had been away and had just returned that day on the train ?

A. Yes ; I had been to Mount Pleasant, and the train had just come in, and I was in my house.

Q. The O'Donnells were a couple of miles from their house ?

A. Yes, sir.

Q. How far was Munley from his house ?

A. Not five minutes' walk.

(No cross-examination.)

MRS. MARGARET LAMBERT sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where do you live ?

Answer. In St. Clair.

Q. Where were you living in September, 1875 ?

A. St. Clair.

Q. Do you recollect the day that Sanger was killed ?

A. On the 1st of September, I think.

Q. Where were you that day ?

A. I was in Gilberton, on a visit to my sister-in-law.

Q. What was her name ?

A. Mrs. Harrison.

Q. Did you know a man by the name of Thomas Munley ?

A. No, sir; only I saw him.

Q. Did you see a man who was called Thomas Munley here in court?

A. Yes, sir.

Q. Did you see that man on the day that Sanger was killed?

A. I saw him that day. He came into our yard—or Mrs. Harrison's yard.

Q. Who did he go into the yard for?

A. His wife, Mrs. Munley.

Q. Did he have anything in his hand?

A. He had a revolver.

Q. Where did he go after he came out?

A. After he came out the yard he went towards home, and Mrs. Munley went out ahead of him.

Q. Did she have a baby in her arms at the time?

A. Yes, sir. It was between two and three o'clock.

Q. Did you see in what direction or to what place they went?

A. No, sir. I did not look after them any more.

Cross-examination by Mr. L'Velle.

Q. Do you know that man to be Thomas Munley?

A. Yes. I saw him coming down from the jail since.

Q. You recognized him as being the same man that followed the woman into Mrs. Harrison's yard?

A. Yes, sir.

MRS. WILLIAM SMITH sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where do you live?

Answer. In Gilberton.

Q. Were you living there in September, 1875?

A. Yes, sir.

Q. Do you recollect the day that Thomas Sanger was killed?

A. Yes, sir.

Q. State whether you were at home on that day?

A. Yes, sir.

Q. How near did Munley live to your house?

A. In the front part of my house, and I lived in the back. All in the one block.

Q. The block was divided, and he lived in the front portion and you in the back portion of the block?

A. Yes, sir.

Q. State whether you recollect of seeing him at home on the first day of September—on the day that Sanger was killed?

A. Not until the afternoon, about four o'clock or so. It might be after.

Q. Where was he at that time?

A. He was going down the railroad when I saw him, from his house.

Q. Had you seen him before coming to your house?

A. No, sir.

Q. Did you see him at his house afterwards that day?

A. No, sir.

Q. Did you hear any discharge of fire-arms that day?

A. Yes, sir.

Q. What time was that?

A. About three o'clock, as near as I can remember.

Q. State whether you heard him come into the house before the discharge of the pistol-shot?

A. Yes, sir.

Q. The shot you heard was a pistol shot?

A. Yes, sir.

Q. Do you know whether the ball passed through the partition of your house?

- A. Yes, sir.
- Q. State whether it was taken out by any person ?
- A. Yes ; it was taken out by the coal and iron police.
- Q. Was it John Green.
- A. Yes, sir.
- Q. This day that you heard the shot fired was on the same day Sanger was murdered ?
- A. Yes, sir.
- Q. Do you know whether Munley was home any other portion of the day after you saw him leave ?
- A. No, sir.
- Q. Did you see him the next day ?
- A. Yes ; about four or five o'clock.
- Q. Was he then going toward his own house ?
- A. He was going up the steps of his own house.
- Q. State whether at that time, on the 2d of September, it was after the arrival of the train from Tamaqua ?
- A. Yes ; after the arrival of the train from Tamaqua.
- Q. On these two days when you saw him was he dressed in his clean clothes ?
- A. Yes ; a black suit.
- Q. Did you see him in company with any particular person when he was going from his house, on the 1st of September, in the afternoon ?
- A. He was in company with Michael Darcy.

Cross-examination by Mr. L'Velle.

- Q. Did you ever see him with Michael Darcy before ?
- A. Yes, sir.
- Q. They were companions ?
- A. Yes ; they were both together.
- Q. Where did Darcy live ?
- A. In the third block—quite near Munley's.
- Q. Did Munley have a whisker at that time ?
- A. I don't think he did.

Q. Or a pretty heavy moustache ?

A. I don't know whether it was a heavy or light moustache.

Q. Did he have a moustache ?

A. I cannot say ; sometimes he had one and sometimes he had not.

Q. Did he have one at this particular time ?

A. I think he wore a light moustache at that time.

WILLIAM SMITH sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where did you live in September, 1875 ?

Answer. In Gilberton.

Q. State whether you lived in the same block with Thomas Munley ?

A. Yes, sir.

Q. State whether he was at his house on the 1st of September that you saw or heard ?

A. No, sir ; I did not see him that day at all.

Q. Did you see him on the 2d of September ?

A. Yes ; between four and six o'clock ; he was coming up from the depot.

Q. Was it after the arrival of the Tamaqua train that you saw him coming in the direction of his house ?

A. Yes, sir.

Q. Who lived in the front of this house besides Thomas Munley,—Munley's father and mother ?

A. Yes, sir. The block is divided into three parts, and his father had one end, and he and I the other end.

Q. His wife and brother and sister lived there ?

A. Yes ; in the same block.

(No cross-examination.)

MRS. MARY RICHARDSON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question Where were you living in September, 1875?

Answer. In Gilberton.

Q. How far did you live from Thomas Munley?

A. Two blocks.

Q. Do you recollect of seeing him upon the day of the killing of Sanger?

A. Yes, sir.

Q. Where did you see him?

A. I saw him coming up the road toward his own house. He was on the main road.

Q. What direction was he coming from?

A. From the west.

Q. Was he coming in the direction that he would pursue if he was coming from Shenandoah?

A. Yes, sir.

Q. At what time?

A. It was between two and three o'clock.

Q. Did you see his wife?

A. Yes; she was standing in the door.

Q. What did she do when she saw him coming?

A. She came down the steps and ran into a neighbor's yard; it was John Harrison's yard.

Q. Did you notice what happened there?

A. Yes; he followed her up and brought her out of the yard, and they went up into the house.

Q. Did you observe anything in his hand?

A. Yes; he had a revolver in his hand, and they went into the house.

Q. Did you hear anything further?

A. No, sir.

Q. Did you hear a report of a pistol?

A. No, sir.

Q. Did you observe whether he had been drinking or not?

- A. He looked as if he had something to drink.
 Q. Did you see him later that day?
 A. Yes; I saw him afterwards.
 Q. About what time?
 A. About four o'clock, I think.
 Q. In what direction was he going?
 A. Toward the west, down from Gilberton.
 Q. Which direction was he going?
 A. Toward the Gilberton side, toward the west.
 Q. Was he joined by anybody?
 A. Yes; he was joined by Darcy—Mike Darcy.
 Q. Did you see them go off together?
 A. Yes, sir.
 Q. How far did you see them go?
 A. I watched them until they crossed over to Mr. Calahan's.
 Q. He kept a saloon there?
 A. Yes, sir.
 Q. Was that the first time you saw Munley upon the first day of September, when you saw him in the afternoon with the revolver in his hand?
 A. Yes, sir.
 (No cross-examination.)

LUKE RICHARDSON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

- Question. Where were you living in September, 1875?
 Answer. In the borough of Gilberton.
 Q. Mrs. Mary Richardson, just upon the stand, is your wife?
 A. Yes, sir.
 Q. You lived near Thomas Munley?
 A. Yes, sir.

Q. Did you see him upon the day of the murder of Sanger?

A. I saw him upon the day before, somewhere about five o'clock in the evening, and the next day, too.

Q. Who was with him on the day you saw him before the murder at about five o'clock in the evening?

A. Michael Darcy and a couple more; I could swear to Darcy, but not to the others.

Q. You said you saw him the next day, at what time?

A. Somewhere about two o'clock.

Q. Where was he coming from at that time?

A. When I saw him I saw him in Gilberton, and he was coming towards his house from the west.

Q. Did you observe him go after his wife with a revolver?

A. I did not see that.

Cross-examination by Mr. L'Velle.

Q. There are only two directions to come to Munley's, one east and the other west?

A. Yes, sir.

JAMES PATTON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living in 1875, at the time Sanger was murdered?

Answer. In Gilberton.

Q. Do you know Thomas Munley?

A. Yes; I had known him about five years at that time.

Q. Did you see him upon the day Sanger was killed?

A. No; not that day I did not. I saw him upon the night before after supper; Darcy and three men were with him, but I saw Darcy first come up the patch.

Q. What direction did Darcy come from ?

A. From home.

Q. Did you see Munley the next day ?

A. No, sir.

Cross-examination by Mr. L' Velle.

Q. When did you first see him the night before ?

A. Going with these men on the railroad after supper—
after six o'clock.

Q. Then Michael Darcy was with him ?

A. Yes ; and three more coming down from Wiggan's
Patch or from Mahanoy. They were off down the rail-
road ; Munley met them there and Munley went to them.

Q. Were they not obliged to pass the house to go across
there ?

A. No, sir ; they could go straight across.

Q. Could they go straight across to Munley's house ?

A. Yes, sir.

Q. Munley did go down to turn up to his house ?

A. No, sir ; he came away from his house, met them,
and went with them down the railroad.

Q. The other came from toward Mahanoy City ?

A. Yes, sir.

Q. Where did they go to ?

A. I do not know.

Q. Do you know James O'Donnell ?

A. No, sir.

Q. Charles O'Donnell ?

A. No, sir.

Q. Or James McAllister ?

A. No, sir.

Q. But you knew Michael Darcy ?

A. Yes, sir.

Q. Was Michael Darcy one of them ?

A. Yes, sir.

Q. Where did he meet them?

A. I do not know; Mike came up by the house and then he went down with these men, and Thomas Munley went from his house and went down with them.

Q. Michael Darcy and Munley were almost neighbors?

A. Yes, sir.

Q. Where did they meet?

A. Right facing Munley's, on the crossing.

Q. Is there a crossing of the railroad facing Munley's?

A. Very near it.

Q. Is it not at Lewis' the crossing is?

A. No, sir; it is a switch of the railroad now I am talking of.

Q. That is not a crossing?

A. Well, that is what I call it.

Q. (By the Court.) Where they cross from one track to another?

A. Yes, sir.

Re-direct examination by Mr. Kaercher.

Q. These two men, Munley and Darcy, went down and met those three men on the railroad?

A. No, sir; Darcy came down the railroad with these men and then Munley came from his house and went with them west.

Q. State whether they came in the direction of Wigan's?

A. Yes; that way.

Q. That is on the road between Gilberton and Mahanoy City?

A. Yes, sir.

Q. What direction did they go?

A. They went west toward Mahanoy City.

LUCHER HELLER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Do you recollect the day that Sanger was killed?

Answer. Yes, sir.

Q. Where were you living at that time?

A. I was living at Gilberton.

Q. How long had you known Thomas Munley at that time?

A. I knew him some years before—before he was married.

Q. Had you known him four or five years?

A. I suppose I did, and may be longer.

Q. Did you see him upon the day that Sanger was killed?

A. Yes, sir.

Q. Where did you see him?

A. I saw him in front of Darcy's house in the afternoon. I could not tell you the time exactly.

Q. Did you notice where he went afterwards?

A. They went west.

Q. Did they take the road that would carry them to Shenandoah?

A. That is generally the road we go—toward the depot.

Q. Who went with him?

A. Mike Darcy. They passed me right at the crossing right below the house.

Q. Did you hear a shot in his house?

A. Yes, sir.

Q. How long before he went toward Shenandoah?

A. Perhaps about an hour before.

(No cross-examination.)

WILLIAM J. FULTON sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Were you acquainted with Thomas Munley in 1875?

Answer. I was.

Q. How long had you known him at that time?

A. I had known him from sometime in 1874 during the forepart of the summer. I had known him better than a year.

Q. Did you meet him frequently in that time?

A. Yes; and knew him well.

Q. Did you see him on the 1st of September?

A. Yes; I did.

Q. Whereabouts?

A. In Shenandoah.

Q. Upon what street?

A. Upon Coal street.

Q. State whether you afterwards learned that is the street upon which Lawlor's saloon was?

A. I understood that Lawlor's saloon was in Coal street.

Q. How far were they from Lawlor's saloon?

A. I do not know the location of Lawlor's saloon, but I heard it was on Coal street, in West Shenandoah, but I do not know how far; they were going east toward Main street.

Q. Who was with him?

A. I did not know the persons.

Q. How many were with him?

A. Two or three persons.

Q. Who was with you?

A. Philip Wesner.

Q. Did he speak to Munley?

A. I would not be positive, but I think that Wesner did.

Q. Was one of the parties with Munley as they were proceeding towards Main street McParlan, the detective?

A. Not to my knowledge.

Q. You did not recognize him?

A. No, sir.

Q. At about what hour did you state it was?

A. It was in the forenoon, about ten or eleven o'clock.
I do not know the exact time.

Cross-examination by Mr. L'Velle.

Q. You knew Thomas Munley?

A. Yes; he used to get goods where I was employed, and call there for his mail.

Q. Were you there on the 31st of August—in Shenandoah?

A. No, sir.

Q. On the 2d of September?

A. No, sir.

Q. Or the 3d or 4th of September?

A. I think not, to my recollection.

Q. When did it first strike your recollection that you saw Thomas Munley on the first day of September, 1875?

A. I could not say.

Q. When did you ascertain the importance of the testimony you are now giving?

A. I think in February or the latter part of January. I do not remember exactly.

Q. Did you or not know anything about it until after Munley was arrested charged with the murder of Thomas Sanger?

A. Know about what?

Q. Did it occur to your mind after the 1st of September, 1875, that you met Thomas Munley in Shenandoah, until the arrest of Munley charged with the murder of Sanger?

A. I could not say positively as to that.

Q. Please tell us by what circumstance or other incident you fix the fact that you met Thomas Munley in Shenandoah on the 1st of September?

A. There are two or three incidents. One reason was that in the coal region the stores have what is called the first of the month, when parties buy a great deal more goods than at any other time, and I was delivering goods in Shenandoah on the first day of September to parties in Shenandoah. That was one reason why I know it was on the first day of September. On the 31st of August I was hauling goods to Turkey Run Patch and to parties nearer the store, and then on the 1st of September I went to Shenandoah. I usually had about one load.

Q. Those are the only reasons you had to fix the fact that you met Thomas Munley on the 1st of September?

A. I remember I saw him in Shenandoah on the day that Sanger was shot.

Q. You did not remember it, or have occasion to, until Thomas Munley was arrested about six months after the murder.

A. I could not say as it was six months.

Q. Tell us any others you met in Shenandoah that day, not living in Shenandoah and whom you recognized—any other people from Gilbrton?

A. I did not meet any other persons from Gilbrton.

Q. You can not give us any reason why you think you met Munley in Shenandoah on that day, except that you were delivering goods there that day?

A. It was also the day that Sanger and Uren were murdered, and I met Philip Wesner there.

Q. You knew when Sanger was murdered?

A. Yes; I knew the day he was murdered.

Q. You say you met Thomas Munley in Shenandoah on the first day of September?

A. Well, I did; and I will tell you why, for the reason that I met Philip Wesner at that place, in Shenandoah, and I never met him afterwards. That is one of the reasons.

Q. Have you any reason, except you never met Wesner there before or afterwards, to fix the fact?

A. Another was Wesner telling me where he had been.
(Objected to.)

Q. Did you hear of the murder of Sanger on the day he was murdered?

A. Yes, sir.

Q. And before you met Munley?

A. Yes, sir.

Q. How long before?

A. I could not say how long. Allow me to say I did not know it was Sanger.

Q. You heard of the murder of a boss at Raven Run?

A. Yes, sir.

Q. That was before you met Thomas Munley?

A. Yes, sir.

Q. Did you ever think there was anything remarkable in your meeting Thomas Munley in the town of Shenandoah?

A. Certainly not.

Q. Did you ever meet them before?

A. I have no recollection of it.

Q. Did you ever meet him there afterwards and prior to his arrest?

A. No, sir; not to my knowledge.

Q. You cannot give this court and jury any reason, except those you have detailed, why you recollect the meeting with Thomas Munley on the first day of September in Shenandoah?

A. You won't let me tell one reason; I was going to tell that it was by a remark of Wesner, and you would not let me tell that. That was one way.

Q. Is it from that fact alone you fix the meeting with Thomas Munley?

A. I knew it was on the first day of September.

Q. Did you connect the presence of Thomas Munley at Shenandoah suspiciously in any way with the murder until the arrest of Thomas Munley?

A. No, sir; I cannot say that I did.

Q. (By Mr. Kaercher.) Were you a witness at the trial of Munley?

A. I was.

MR. WHITEHOUSE:—Who was the first person you told about seeing Munley in Shenandoah on the 1st of September?

A. I could not tell you.

Q. Did you ever tell anybody outside of a court of justice?

A. Yes, sir.

Q. Who did you tell?

A. I have told a great many persons.

Q. How did it come about that you were subpoenaed as a witness?

A. I do not know where the officers obtained their information.

Q. Did you tell any officers that you had seen him?

A. Yes; I did.

Q. And before you were subpoenaed?

A. Yes, sir.

Q. Who did you tell?

A. I have talked with a great many of the officers. I am acquainted with a good many—there is Dave Krieger.

Q. Did you tell any of the officers that you had seen Munley, before Munley was arrested?

A. I could not say as to that.

Q. Do you remember of mentioning that fact to anybody before Munley was arrested?

A. I do not remember.

Q. Do you not know that you did not tell anybody that Munley was there until after Munley was arrested?

A. I could not say positively.

Q. Did the fact that he was arrested bring this to your mind?

A. Not the fact that he was arrested.

Q. You cannot tell when it next occurred to your mind ?

A. I remember thinking along over the circumstances connected with it, that it was on the 1st of September.

Q. What caused you to think over it at all ?

A. Well, I understood that I would be subpoenaed as a witness.

Q. Did you know what you were to testify to when you were subpoenaed here ?

A. I did not know then any more than I do now. I did not know what questions would be asked me at all.

Q. Did you not know you were brought here to swear you had seen Munley in Shenandoah ?

A. That was the main fact.

Q. But you did not know how they found out the fact that you knew it ?

A. No, sir ; I have heard about how they knew, but not to my knowledge I could not say.

PHILIP WESNER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living in September, 1875 ?

Answer. In Shenandoah.

Q. How long had you been living there ?

A. About three years.

Q. Did you know Thomas Munley ?

A. Yes, sir.

Q. How long had you known him ?

A. About four or five years.

Q. State whether you had worked in the mine with him ?

A. Yes, sir ; I was loading where he was loading boss.

Q. You knew him well ?

A. Yes, sir.

Q. Did you see him on the morning of the 1st of September ?

A. Yes ; going up Coal street, in Shenandoah.

- Q. Was he going in the direction of the main street ?
A. Yes, sir.
Q. Do you know where Lawlor's saloon was ?
A. I did not know then.
Q. You did know afterwards ?
A. Yes, sir.
Q. Was he going in that direction ?
A. Yes, sir.
Q. How far away from the saloon ?
A. About one hundred and fifty (150) yards.
Q. Was he alone ?
A. There were three others with him, I think.
Q. Did you know any of the others ?
A. I did not.
Q. Did you know the other persons at all, or have any acquaintance with them ?
A. I did not know them at all.
Q. Did you speak to Munley ?
A. Yes, I did. I said, "How are you Tom?" and he just nodded his head to me and went on.
Q. Did you see him afterwards that day ?
A. Yes ; under the Gilberton breaker.
Q. Was there anybody with him ?
A. Mike Darcy ; they were going toward Furnace colliery.
Q. Was it the direction that would carry them to Shenandoah ?
A. Yes, sir ; I said, "Halloo, Tom, you are bound for Shenandoah again?" and he said, "Oh, no," he was just going up there apiece. He did not say where he was going, only up the road apiece.

Cross-examination by Mr. L'Velle.

- Q. You said you knew Munley four or five years?
A. I do not remember just how long. I said I

thought I did. I do not remember when I got acquainted with him, or how long I knew him; but it is somewhere about four or five years.

Q. Did you think it was a very remarkable occurrence to meet him in Shenandoah?

A. Yes; I did.

Q. Did you ever meet him there before?

A. Not at that place.

Q. Was there anything remarkable in meeting him at that place?

A. Yes; on account of their being working that day, and he was not working.

Q. Did you work at that colliery?

A. Yes, sir.

Q. And you thought it a remarkable thing to meet him there that day?

A. Yes, sir.

Q. Have you ever been idle when the colliery worked?

A. Yes, sir.

Q. And then you thought it remarkable in another man to do the same thing as yourself. Did you regard it as a remarkable thing when you were idle when the colliery was working?

A. I do not know.

Q. Can you explain that?

A. No.

Q. You said that you never met him in that place before?

A. No, sir.

Q. What other place did you meet him?

A. I met him between Lloyd and Centre streets before that.

Q. When?

A. I do not know just when. I often saw him in Shenandoah before that.

Q. Was it a month before?

A. I did not say how long. I saw him shortly before that in Shenandoah.

Q. Can you tell the day of the month ?

A. No, sir.

Q. How do you fix the 1st of September ?

A. Very easy, because I was on the-night shift at that time, and when I went home in the morning I went to look for Jimmy Burke to rent a house from him, and I went over to the Dutch Catholic church and there was a funeral there, and when I was coming back I saw this man Fulton and he spoke to me a few words when Munley came up.

Q. That was the 1st of September ?

A. Yes, sir.

Q. And that is the only reason you have to fix the fact that you saw Munley on the 1st of September ?

A. I was told about the shooting about a half an hour before that.

Q. And that is another instance to fix it in your mind ?

A. Yes, sir.

Q. When was the first time that you had occasion to find it important that you saw Thomas Munley on the 1st of September ; did you know it a week after the murder ?

A. I never thought anything about it until he was arrested.

Q. About six months after seeing him there ?

A. I do not know how long.

Q. Who did you tell it to ?

A. I do not know who I told it to.

Q. Were you subpoenaed here to court ?

A. Yes, sir.

Q. Did you know what you were subpoenaed for ?

A. Yes, sir ; to come here on this trial.

Q. And say that you saw Thomas Munley on the 1st of September, 1875 ?

A. Yes, sir.

Q. Did they ask you as to whether you could swear to any other of the times you saw him in Shenandoah?

A. They did not.

Q. Do you recollect the shooting of Yost in Tamaqua?

A. I recollect the shooting, but I do not remember what day it was.

Q. And the shooting of John P. Jones?

A. Yes, sir.

Q. Can you recollect the day?

A. No, sir.

Q. How is it you recollect the meeting with Munley on the 1st of September?

A. Because I did not go to bed that day, I had business.

Q. You worked on the night-shift before that?

A. Yes, sir; every other week.

Q. You always went to bed when you worked on the night-shift?

A. Yes; I think I did.

Q. Did you go to bed when Yost was killed?

A. I do not recollect.

Q. Do you recollect whether you were on the night-shift or day shift when John P. Jones was killed?

A. I do not recollect.

Q. Do you not know it was just after Sanger?

A. I remember it now.

Q. Where were you that day?

A. I do not remember where I was.

Q. You do not remember that you were at Shenandoah?

A. I do not remember whether I was in Shenandoah or Gilberton.

Q. Were you on the day or night shift then?

A. I do not know.

Q. If you were on the night-shift on the first day of September, were you on the night of the third? How are these shifts regulated?

A. By the week.

Q. When did you commence ?

A. On Monday.

Q. On what day of the week was the first day of September ?

A. I do not know.

Q. What kind of a day was it ?

A. I do not remember.

Q. Do you not know that it rained in the morning ?

A. I do not know.

Q. Do you know whether it snowed in the morning ?

A. I do not.

Q. Did you have your breakfast that morning ?

A. Yes, sir.

Q. And then you went to look after a house ?

A. Yes ; in Gilberton.

Q. Did you live in Gilberton at that time ?

A. I did not ; I lived in Shenandoah at that time.

Q. (By Mr. Kaercher.) But you do recollect that you did meet Munley in Shenandoah on the first day of September, the day that Sanger was killed ?

A. Yes, sir.

MICHAEL LAWLOR sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where do you reside at the present time ?

Answer. In Shenandoah City, in this county.

Q. How long have you resided at Shenandoah ?

A. I have been a resident of there going on eight years.

Q. State whether you were ever a member of a society known as the Ancient Order of Hibernians or Mollie Maguires ?

A. Yes ; I was.

Q. What was its charter name ?

A. It was known to me by the name of the Ancient Order of Hibernians.

Q. What was it known as among its members?

A. So far as I know, it was known as the Ancient Order of Hibernians.

Q. State whether you were a body-master of the order at one time?

A. Yes; I was.

Q. State whether as body-master of the Shenandoah division you initiated James McKenna?

A. Yes; I initiated him into the order.

Q. At that time did you know that he was a detective?

A. No, sir; I did not know anything about what he was.

Q. You learned that thing afterwards?

A. Yes, sir.

Q. State whether you recollect the day that Thomas Sanger was killed?

A. I do.

Q. Where did you live at that time?

A. I lived in West Shenandoah, in Coal street.

Q. Is that the most northern of the streets in Shenandoah?

A. I lived on the north part of that street, about the most north-west part of the town.

Q. State whether it is about the nearest point to Raven Run for persons coming along the mountain?

A. Yes. I believe it is about the nearest part of the borough to the mountain range.

Q. Do you recollect, on the morning of the 1st of September, of Thomas Hurley and James McKenna, now known as James McParlan, coming into your house?

A. Yes; they were both there in my house.

Q. Were there any other persons came into your house that morning?

A. There were; there was James O'Donnell, Charles O'Donnell, James McAllister, Thomas Munley and Michael Doyle.

Q. Were those men members of the Ancient Order of Hibernians?

A. I knew four of them to be members; but as to Charles O'Donnell, I did not know whether he was a member or not at that time. I learned through the order that he was a member. I learned there that morning that he was a member.

Q. Then you knew on the morning of that day that all of those five men were members of the order?

A. Yes; I did.

Q. In what way did they come into your house?

A. The majority of them came in through the side door; there may have been one or two came in the front, but I saw the party coming into the side door. That would bring them into the kitchen, and into the bar-room from there.

Q. When these men arrived there, about what time was it?

A. It was in the neighborhood of eight o'clock, slow time; I do not know whether it was eight or not, but it was about that.

Q. Describe their appearance, and how they looked.

A. I noticed Doyle the first coming in; he wore a gray coat, with the sleeves rolled up, which did not appear to fit him exactly, and the other men, I did not remark them as anything unusual; they were not men that resorted at my house. They were excited-looking, and they called for a drink, and I waited upon them, and they drank a good deal of water, and some whisky.

Q. Did they look as if they had been walking rapidly?

A. Yes; and excited-looking, and as if they were heated.

Q. How long did they remain there?

A. Perhaps an hour, and some over an hour; some went away first.

Q. Who went away first?

A. Charles O'Donnell, James O'Donnell and James McAllister left the house and went away, and Michael Doyle went down to his boarding-house, and Munley

stopped there, in company with James McParlan and Thomas Hurley, until Michael Doyle came back.

Q. What kind of a coat did Doyle have on?

A. It was a gray coat that Doyle had on.

Q. The first party to leave was the O'Donnells and McAllister?

A. Yes, sir.

Q. When Munley left did any one go with him?

A. James McParlan and Thomas Hurley, and I think that Doyle went, but I did not go to the door. I was crippled, and was not able to go around much, but I know I heard Doyle say to Munley and McParlan that they should wait until he would go and shift; I did not look to see whether he accompanied them down the street or not.

Q. While these men were in your house did they have any fire-arms?

A. Yes, sir.

Q. What did they have?

A. I saw two large revolvers in the possession of Thomas Munley, and I think James McAllister, and they were handled around from one party to another, and James McParlan handled them also. I took them to leave them one side and they called for them to be brought back, so I brought them back, and they took them away. They asked me to lay them one side and then they asked me to give them back. They took them away from my house.

Cross-examination by Mr. L' Velle.

Q. Where did you reside prior to coming to Shenandoah?

A. Wilkesbarre.

Q. How long were you there?

A. I was there over a year before I came to Shenandoah.

Q. Did you reside there or board there?

A. I resided there.

Q. Were you then a member of the Ancient Order ?

A. No, sir.

Q. When did you join the Ancient Order ?

A. About the 24th of March, 1872, in Shenandoah City.

Q. And you continued to be a member of the order until after the initiation of McParlan ?

A. Yes, sir.

Q. When did you initiate McParlan ?

A. About the 14th of April, 1874.

Q. Have you got any note of his initiation ?

A. I have.

Q. Is it in your possession ?

A. Not in my possession, but I have it in my house.

Q. What is it ?

A. Nothing at all only the date he was initiated upon. I think it is on the 14th of April, 1874. I did not make an entry.

Q. Were you in prison during the time Thomas Munley was being tried for the murder of Sanger ?

A. Yes, sir.

Q. And had free access to the daily papers containing the evidence of that case ?

A. No, sir ; I did not any such thing.

Q. Did you have the testimony of McParlan reviewed or read in your presence while in prison ?

A. Not in that case.

Q. I ask you whether you heard his testimony in the Munley case in the presence of three or four others, and not once, but several times, in that prison ?

A. I may have got a paper that contained some evidence and may have read it, but I do not remember any material point I have read.

Q. Listen to my question and then you will understand it ; did you not have the evidence read in your hearing repeatedly during and after the trial of Thomas Munley in 1876, in that prison ?

A. I do not believe I had, I do not remember if I had. I may have heard some of the testimony. I got a record of my own trial and read that.

Q. Did you and Patrick Butler and Slattery have the paper in the cell you were in and read it repeatedly?

A. I do not know whether we had.

Q. Were you and Slattery ever in the same cell?

A. Yes, sir.

Q. And Butler an occasional visitor of yours?

A. Not at the time of Munley's trial.

Q. Was Butler admitted to your cell at any time during the trial of Thomas Munley or any of the others?

A. He was not.

Q. Was he afterwards?

A. He was when he came to be an inmate of that cell.

Q. You say he did come into your cell after the trial of Munley?

A. Yes, sir; but a long time after he came into my cell.

Q. How long a time?

A. He came in about Christmas, 1876, and stopped in the cell until he was duly discharged by the court.

Q. Was it the first time?

A. Yes; he came in on Saturday evening and stopped until he was discharged.

Q. Did you visit his cell?

A. I did not.

Q. Did you have a go-between—a messenger between you?

A. Not that ever I knew of; all the messenger I had was the man who carried me provision night and morning.

Q. You read and write?

A. Yes; I do.

Q. Do you swear upon that stand that no letter touching the subject of squealing ever passed between Pat. Butler and you while you were in that cell?

A. In the presence of this crowd and the presence of my

God, no letter, no paper and no communications whatsoever ever changed my hands to Patrick Butler while this subject was going on, upon the subject of squealing, or never from Patrick Butler to me, or any others from me—neither advice or reading or writing during the time or any time in the cell concerning squealing as you call it, or any point in connection with the present trial, or any other trial.

Q. During the time you were in prison?

A. During the time we were separated. During the time he was in the cell we often talked over things.

Q. Talked over this very subject?

A. No, sir.

Q. Did you ever compare notes as to this case?

A. No, sir; we never compared notes.

Q. Did you not compare notes as to the history of the order?

A. I often talked about the history of the order.

Q. Were you hurt in the mines about the 1st of September?

A. No, sir.

Q. When were you hurt?

A. Upon the 30th of August.

Q. It was two days before?

A. Yes; about that time I was hurt.

Q. What time did you arise on the 1st of September, 1875?

A. It was probably between six and seven o'clock when I got out of bed.

Q. You were not very badly hurt?

A. I was indeed; but I was able to get up.

Q. Was there any necessity for you to be up?

A. My wife asked me to get up, for she was going to a funeral.

Q. What time did she go?

A. About half-past seven o'clock.

Q. Your kitchen leads into your bar-room?

A. Yes, sir.

Q. And sitting in any part of the bar-room you could see those coming into the kitchen door?

A. No, sir; I could see them come in from the kitchen into the bar-room, but sitting in any part of the bar-room you could not see them coming into the kitchen door, you could not see them coming into the outside kitchen door.

Q. Which man came in first that morning?

A. Michael Doyle, when I was in the bar-room.

Q. Could you see the door opening out?

A. I could not see it.

Q. Why do you swear here that Doyle was the first man that came in?

A. He did not come down-stairs, and he had no place to come in except the kitchen door.

Q. Might not Munley have been in the kitchen?

A. Doyle was the first man that came from the kitchen into the bar-room; Doyle was the first man I saw coming into the bar-room.

Q. Did you not state that Doyle was the first man who come into your house that morning?

A. I said so, and he was the first man that came into the bar-room.

Q. You do not say that he was the first man that came into your house?

A. He was the first man I saw coming into my house where I reside.

Q. Did you see Doyle in the kitchen?

A. I saw him coming from the kitchen into the bar-room through the door.

Q. Did you see others in the kitchen?

A. I saw them coming the same road as Doyle, some of them.

Q. Was the door open all the morning?

A. It was open and shut occasionally; it was sometimes open and sometimes shut.

Q. Did Doyle open the door himself?

A. I do not know; I could not say that he came through the door.

Q. You do not know but Doyle was the last to come into the kitchen?

A. He was the first to come into the bar-room.

Q. You and McParlan and Hurley were sitting in the bar-room at this time?

A. Yes; I believe we were there at that time.

Q. How long before that were you sitting there?

A. A few minutes.

Q. Was it not since seven o'clock in the morning?

A. I do not think it was that much; I do not think it was more than ten or fifteen minutes. They were in the room some few minutes before Doyle came in,

Q. What hour was it they came in?

A. I could not say exactly.

Q. Was it nine o'clock?

A. No, sir.

Q. Was it eight o'clock?

A. I do not think it was; I think it was between seven and eight o'clock McParlan and Hurley came into my house.

Q. I mean Doyle and the rest?

A. I think it was close to eight o'clock.

Q. Was it after or before?

A. I think it was a little before, if anything.

Q. And you say that Hurley and McParlan were ahead of them in your house?

A. Yes, sir.

Q. But the length of time you cannot tell us?

A. No, sir.

Q. You conversed as to the probable success of the murderers at Raven Run that morning, did you not?

A. I did not.

Q. Do you here swear that McParlan and you did not

talk of the murder at Raven Run before the murderers came into your house?

A. There was Hurley and I—

Q. Look at me!

A. I am looking at you.

Q. Do not look at Captain Linden.

A. Captain Linden is not my conscience and he is not my God Almighty.

Q. Did not McParlan and Hurley and you confess the probable success of the murderers at Raven Run, before the murderers came into your house?

A. I do not know; there was something spoken about the party between Hurley and McParlan, and before that Hurley told me there was a party gone to Raven Run to do something there.

Q. When did he tell you?

A. In the morning, about half-past six o'clock.

Q. Then Hurley was in your house at half-past six that morning?

A. Yes, sir.

Q. And he came there alone?

A. He came there alone.

Q. And then he told you they had gone to Raven Run already?

A. He said there was a party gone over there.

Q. Did he tell you who?

A. He said James O. Donnell and some others, and that was the first I knew about it.

Q. You knew the O'Donnells for sometime?

A. I knew James O'Donnell for sometime before.

Q. Did you know Charles O'Donnell?

A. Yes; but I was not acquainted with him.

Q. Did you know their ability to commit crime?

A. No, sir.

Q. Did you say that they would make a clean job?

A. That word was made use of. I made use of this word, but I could not tell what particular time I said it.

Q. I ask you whether before you came in—that is Doyle and the O'Donnells, McAllister and Munley—you said that they would make a clean job of it; wherever they would go they would make a clean job of it, and was not the assertion volunteered by yourself?

A. I know I said those words, but whether it was before or after I do not know. I remember of saying the words, certainly that anything they would go after they would make a job of it, or something to that effect.

Q. Hurley had great confidence in you, I suppose?

A. I do not think he had.

Q. You do not think so?

A. He did not tell me they went to commit murder; he said they had gone over and there would be hot work at Raven Run.

Q. What did you understand by that?

A. I was pretty sore with my wounds and I did not pay much attention to it.

Q. Were you not posted in the names of the crimes?

A. I have been posted since the trials.

Q. But before?

A. No, sir.

Q. Did you not know what hot work meant?

A. Certainly.

Q. What was its Mollie-Maguire meaning?

A. That somebody was going to get hurt.

Q. What did you mean by a clean job?

A. I do not know as I said a clean job, but anything that they went at, or that they would hurt anybody that they went for.

Q. What was a clean job?

A. You may draw whatever inference you want from a clean job; it was killing you dead, burning you out, or beating you until you are not able to look for satisfaction, and you can take either of the three.

Q. You knew that the word clean job would apply to

either of the three, and that was your meaning that morning?

A. Yes; that was my meaning.

Q. Either killing or burning out, or leaving you so that you would not be able to do anything?

A. That was about it.

Q. Which of the three did you mean?

A. I did not know.

Q. Which was it?

A. I did not know what their errand was there, but I knew that if the party went there it would be grief for somebody; but I did not know whether it was killing or maiming or burning out.

Q. But you said the O'Donnells would make a clean job of it?

A. I knew James O'Donnell a good while before. I had seen Charles, but I did not know that he belonged to the organization.

Q. You knew that Charles was capable of committing a crime, then?

A. I learned it from the fact that he was in my house that morning and confessed that they had fixed a man by the name of Sanger and another by the name of Uren.

A. It was before you came in that you made the assertion that they would make a clean job?

A. The word passed, but I do not know whether it was before or after.

Q. Do you not know it was before?

A. I do not.

Q. Do you swear that you do not know whether it was before or after?

A. I do swear that I do not know whether it was before or after.

Q. Then you were complimenting them if it was in their presence afterwards?

A. The question might be put to me and I might give

an answer to it. I did say those words, but I do not know whether it was before or after.

Q. And you also stated that you did not know anything about the commission of this crime until Thomas Hurley told you about half-past six in the morning?

A. No, sir; when he came in.

Q. Did any others than Tom Hurley and McParlan come into your house that morning before the five men came in?

A. Not that I recollect. There may be some came in that I do not remember; there may be some in before I came down-stairs.

Q. Was your wife present when Hurley told you this?

A. No, sir; she was in the kitchen and I was in the bar-room, and he told me this in the bar-room.

Q. At the time that you got the revolvers?

A. I tried to take them up-stairs and they called for them again.

Q. Were your doors closed or barricaded?

A. I do not know as they were.

Q. Did you not recognize the necessity of closing your doors when you had five murderers in your house?

A. I did not know they were five murderers until their confession, and then I knew it.

Q. Did you not direct the doors to be locked?

A. No, sir; not to my knowledge, I did not, but they may have been shut. I may have shut the door, but I do not recollect those little things. I know one thing, it was not to secrete them that I ordered the doors to be shut. I was crippled by a fall of coal in the mines and I looked to my wounds and hurts and I felt pains with them, and as soon as my wife came in I told her—

(Objected to.)

Q. (Mr. Whitehouse.) You are the one they call the muff?

A. Yes, sir.

Q. How long had you belonged to the organization known as the Molly Maguires before you became a body-master?

A. I cannot tell you that exactly.

Q. How long had you been the body-master before the organization broke up?

A. I had been a body-master altogether something about six or seven months.

Q. You were the party that used to administer the oaths?

A. To any person that I initiated in that branch I administered the oath to them.

Q. It was you that gave all the pass-words to the different members?

A. Yes. I gave out the goods while I was body-master there.

Q. When they informed you about the clean job they had made at Raven Run, you went immediately and informed the authorities, did you not?

A. It was in their confession—

Q. Answer my question; as soon as you learned a murder had been committed you went and informed the authorities?

A. Your question is not direct; but the first information I got of the crime—

Q. When you first learned that a murder had been committed at Raven Run, you went and informed the authorities, did you not?

A. No, sir; I did not.

Q. Why did you not?

A. Because I was crippled and I was not able to go.

Q. Do you swear upon that stand that was the reason why you did not go?

A. That is not the reason why.

Q. Why did you give it as a reason?

A. There is a two-fold reason in that. If I was able

myself, I would not have gone for fear of my life, and another reason is that I was crippled and was not able to do it.

Q. Could you not devise some plan by which the authorities would be informed of the murder and not tell them yourself?

A. Yes. I might have sent one of my children out, but that was all I could do.

Q. You had no confidential friend?

A. None that I know of.

Q. You did not know the policemen around that borough, did you?

A. Yes, sir.

Q. Could you not have sent for one of them?

A. I would have sent for some of our biggest Mollie Maguires at that time, if I had sent for a policeman.

Q. Did you not try to cover up every crime?

A. I did not; they came into my house and got their drink, and left the same as any other persons.

Q. How much did they have?

A. They had two drinks of whisky.

Q. Who paid for them?

A. I don't know.

Q. Was it paid for?

A. One drink I am sure they paid for.

Q. How about the rest?

A. The balance is there yet. I drank my own along with them.

Q. You set it up for the good job they did?

A. I did not. Michael called for one drink and James McParlan called for the other, and there was one paid for and the other was not.

Q. Were you arrested for some of these crimes?

A. Yes, sir.

Q. And put in the prison here?

A. Yes, sir.

Q. What were you arrested for?

A. For an accessory after the fact to the murder of Thomas Sanger and William Uren.

Q. This very murder?

A. Yes, sir.

Q. Were you convicted of that crime?

A. I was not.

Q. Did you plead guilty?

A. Well, I told what I knew about it. I was tried for the accessory after the fact to another assault and battery, and convicted.

Q. Were you sentenced to imprisonment for that crime?

A. Well, I got some time in prison.

Q. How long did you get?

A. I was almost fifteen months in prison altogether.

Q. How long were you there after you were sentenced?

A. I do not know. Perhaps nine or ten months.

Q. Who was there in the same cell with you all the time you were there?

A. I could not tell you; it would be a long list of fellows in that cell while I was there.

Q. How long were you in with Slattery?

A. I do not know; seven or eight months, perhaps.

Q. He was a Mollie Maguire also?

A. Yes; at one time.

Q. How long were you in with Butler?

A. I think two months or one month—more than a month, I think.

Q. You and Butler and Slattery are parties who went upon that stand to convict your co-members of the organization—you who had been in the cell together?

Q. Mr. Whitehouse, I went to convict myself. I told the truth in my own case, and that was the only case I was called for at this court yet, except this.

Q. When did you first make up your mind to go upon the stand as a witness?

A. I made up my mind at the latter part of Thomas Munley's trial to come out and tell the truth, what I knew in the affair of the Sanger and Uren murder.

Q. Who did you first tell of your intention ?

A. Mr. L'Velle.

Q. Who did you afterwards inform ?

A. After getting Mr. L'Velle's advice to a certain extent, I saw Captain Linden.

Q. And you told him ?

A. Some I did.

Q. And you did not tell him all ?

A. I told him all relating to the Sanger and Uren murder ; yes, sir.

Q. Did Mr. Gowen, president of the railroad company, visit you in your cell ?

A. No, sir ; not in my cell.

Q. Visit you in prison ?

A. He did, sir.

Q. Who was with him ?

A. Captain Linden and Mr. West, the reporter.

Q. The short-hand reporter ?

A. Yes, sir.

Q. Did they take down your statement ?

A. Some of it was taken down.

Q. Was it after you had the conversation with Mr. L'Velle ?

A. It was after I had the conversation with Mr. L'Velle.

Q. Were you accused of any other crime ?

A. Not that I know of.

Q. As a member of that organization were you cognizant of any other crimes before they were committed, that have been committed in this county ?

A. No, sir ; I was not, that I recollect now.

Q. Did you not know of the murder of John P. Jones ?

A. No, sir.

Q. Or who his murderers were ?

A. No, sir.

Q. Did you know anything of the murder of Yost?

A. No, sir; not a thing.

Q. Were you a member of the order at the time these murders were committed?

A. I was a member until about the 1st of April, 1875, and after that I was never any member who carried the goods.

Q. Were you a member at the time they were murdered?

A. I was not a member at the time that Jones was murdered.

Q. At the time that Sanger was murdered?

A. No, sir; not a member in good standing.

Q. I do not care about good standing; were you a member?

A. I was no member.

Q. Did you have the goods?

A. No, sir.

Q. Were you acting as body-master?

A. No, sir; not for two years before.

Q. Who was your successor?

A. I do not know. I heard that Frank McAndrew was; I cut the order in Shenandoah in June, 1874, and went to Europe, and after that I never had anything to do with the organization in Shenandoah district.

Q. You were acquainted with some of the members?

A. Yes; some of them.

Q. They made you a confidant in relation to the crimes they committed?

A. No; I do not suppose they did. All I have known I told you. They confessed what they did to Thomas Hurley and James McKenna in my presence and I was listening.

Q. Hurley told you in the morning before they came in that they had gone?

A. Yes; he told me that.

Q. Hurley was a member of that organization?

A. I can not tell you, but I took him to be one at that time.

Q. Did you know anything of the murderers of Gomer James?

A. No, sir; I did not.

Q. Nobody told you?

A. No, sir; not until after the murder.

Q. Who told you?

A. I would ask whether the question is right; if the Court asks it it is right.

(The Court instructed the witness to answer.)

Q. Who told you?

A. Thomas Hurley told me the night of the murder.

Q. Were you sick then?

A. I was not.

Q. Did you go then and inform the authorities?

A. I did not.

Q. Why did you not?

A. Because I was in fear of bodily harm; my life was not worth a cent if any of the members of the organization would think I would do the like—my life would have been taken.

Q. Did you try to do it?

A. No, sir; I did not try it.

Q. Did you think of it?

A. I have several times of such things—often.

Q. Do you swear to that?

A. Yes, sir.

Q. Did you tell any of your relations of it?

A. I do not think I did. I do not know as I did.

Q. Did you know anything of the shooting of Riles in Shenandoah?

A. I did not know about the actual shooting of him; but I was in the house when the party left, as I supposed, to shoot him.

Q. When was it?

A. That was on Monday, the 16th of August.

Q. How long before this shooting took place?

A. I guess about five minutes before.

Q. You might have gone and told the authorities and tried to save Riles?

A. No, sir; there was one of the party that came to do it in my house all the time.

Q. You made no effort to get away?

A. I could not; I advised him to give up that thing.

Q. Did you make any effort to get away from him?

A. I could not get away. I walked around the street and then I went home when he parted with me. I wanted to shun him and get away.

Q. You wanted to tell the authorities?

A. No, sir; but if I got a chance I would tell Riles to keep out of the way. As soon as this man left me I went home.

Q. Why did you not go home before?

A. I could not exactly answer that. He was along with me, and as soon as I could I got away.

Q. Were they Mollie Maguires that shot Riles?

A. I could not tell you.

Q. You do not know?

A. I do not know.

Q. Were they Mollie Maguires that told you?

A. Yes, sir.

Q. Were you a member of the organization then?

A. No, sir.

Q. Were you a member of the organization when Hurley told you who shot Gower James?

A. No, sir.

Q. Then they did make a confidant of you?

A. It may be they will consider me a member of that organization for fifty years to come. They hold a man as a member, perhaps when he is not a member at all. If a

man gives up the organization in a certain branch or division, there are others that think he is a member and retains him as a member, and don't know but he has the goods, except they throw the goods to him to examine him and find out whether he is or not.

Q. After I had called your attention to the fact that you had been informed of the murder of Uren, I asked you if you had been informed of any other murders or crimes and you said not; why was it you did not tell us that you were informed of the James murder and of the Riles shooting?

A. Well, now, I did not think of it. It was not because I wanted to deny this fact.

Q. They were not of much importance?

A. Whatever importance was in them I did not keep it as a secret before. I have told it before and I tell it now; but a man cannot gather up his whole brain at one time and tell his whole life-time.

Q. Do you know of any other crimes that have been committed by the organization?

A. Certainly I do.

Q. Did you ever find them out as a member of the organization?

A. Some I did.

Q. Did you inform the authorities?

A. I stopped one.

Q. I did not ask you that. Did you inform the authorities?

A. No, sir.

Q. You say that you did not?

A. No, sir.

Q. Your house was known to be the headquarters of the Mollie Maguires in Shenandoah?

A. I don't know what other folks might think it to be, but it was my own headquarters.

Q. Do you not know it was known among the Mollie Maguires as the headquarters in Shenandoah?

A. At one time I was body-master, and where the body-master resides that is certainly known as the headquarters. But it was in 1874—in June—that I resigned and had nothing to do with the Mollie Maguires of Shenandoah, and afterwards it was never the headquarters for Mollie Maguires; but only for me, my wife and children.

Q. Were you ever sentenced for the crime of which you were convicted?

A. I never got any specified time.

Q. Do you know the reason of that?

A. I cannot tell.

Q. Did the district attorney make an appeal in your behalf to have you discharged?

A. I do not know how the district attorney may have appealed in my behalf. I do not know whether he did or not.

Q. Did he not get up in your presence in this court-house?

A. He spoke in the court-house in my presence from the good I was to the Commonwealth in getting this hellish organization broken down, and recommended me to the court.

Q. And Mr. Hughes did the same thing?

A. Yes; and Mr. Albright.

Q. Had you made any promises to go upon the witness-stand and reveal all you knew?

A. I had before that told what I knew in connection with the Mollie Maguires, and said if I was called upon I would tell the truth, and Mr. Linden told me that was all that was asked of me. That is what has me here to-day.

Q. Did he tell you anything else?

A. Many a thing; but not in connection with this.

Q. Since you have been out of prison, have you and Patrick Butler had any conversation with regard to any of these cases?

A. Yes, sir.

Q. Do you board together now ?

A. No, sir.

Q. Did you since you got out of prison ?

A. I live at home, and I do not know where Butler lives. I never boarded with him, only in prison here.

Q. Did you lodge together here in town ?

A. I have roomed with him one night.

Q. Since you have been subpoenaed as a witness upon this case, have you gone over the facts you knew concerning the case ?

A. No, sir.

Q. You never have ?

A. No, sir.

Q. Did Patrick Neary sleep with you here ?

A. No, sir. He slept in the one room in another bed. I had no conversation with the man whatsoever, about this case or any other case.

Q. Did you and Butler ?

A. We were in the one room, and we exchanged words that we were here in this case, but we had no conversation about this trial.

Q. Did you have any conversation with James McParlan about this case ?

A. Not a word, that I remember.

Q. Have you had any conversation with these witnesses upon this case ?

A. I do not know who the witnesses are.

Q. In relation to this case ?

A. Some of them might have asked me what I was down for, and I told them that it was upon the Donnelly case, but I do not know. There are people there that I do not know.

Q. Where have you been all day to-day ?

A. I was a majority of this day in the room connected with the library, and around the yard, and over here at a man's named Hawkins.

Q. What were you doing there?

A. I was looking at a pair of game chickens—a hen and rooster.

Q. Did you have anything to drink there?

A. Yes, sir.

Q. When did you have the first drink there?

A. I do not know. I had tea and coffee there. I stopped there and what I drank in my boarding-house is a question the court will say whether I must answer it or not.

Q. Have you drank any liquor to-day at all?

A. I have got a little drink of liquor to-day.

Q. What is the little you drank?

A. I had three drinks.

Q. Do you swear that is all you had to-day?

A. That is about all I got to-day.

Q. What did you drink?

A. Two whiskies and a glass of porter.

Q. Any beer?

A. No; the whiskies were what they call hot-stuff or cocktail, I believe they call it.

Q. Is the organization known as the Mollie Maguires a criminal organization?

A. Yes; a most notorious criminal one.

Q. And you belonged to it and knew it as such?

A. I did belong to it and knew it as such, and did long before I left it.

Q. And before you joined it?

A. No, sir; I did not.

Q. Do you swear to that?

A. I do swear that, as to the Ancient Order of Hibernians, I thought it a Catholic beneficial society, and harmless when I joined it.

Q. How soon did you learn it was a criminal organization?

A. It was sometime afterwards.

Q. Will you fix the time?

A. I have learned it to my grief that it was a criminal organization at the time of the James and the Jones murder and the Sanger murder.

Q. When did you learn it was a criminal organization?

A. The first I knew upon the burning of Jackson's Patch.

Q. What year was it?

A. In 1873; the latter part of the year.

Q. When did you go to Ireland?

A. In 1874.

Q. Were you a member when you went to Ireland?

A. Yes, sir.

Q. Were you expelled from the organization?

A. Well, I do not know whether I was expelled or not, but Jack Kehoe got me done away with in Schuylkill county in 1875, and I know I had enemies in the whole order.

Q. Did you go back into the organization?

A. No, sir. I came to prison after that.

Q. That was where you reformed?

A. I reformed a little before that, but I was a little bit too late.

Q. When you were a witness in your own case did you, or not, swear that you had been a member of the organization and had been expelled from it, and was taken into membership?

A. I did not; if you will let me I will give you an explanation. At the time that I left Shenandoah and took passage for Europe I was body-master of the Shenandoah division of the Ancient Order of Hibernians up until that time, then I severed my connection with them, and when I came back from Europe they had a new party organized in Shenandoah, and I found they had some animosity to me and were enemies to me. I spoke to McParlan, and he told me and I was advised by others that

I was in danger there, and I went to Barney Dolan ; during my time in Europe, Kehoe was elected county delegate, and I went to Barney Dolan and told him my situation, and he said the best thing I could do was to join, and I said he knew they did not want me in Shenandoah, and I told him also that John Kehoe did not want me any more, and he asked me the reason why, and I could not tell him. He gave me a card and said it was good anywhere I presented it, and I gave it to William Calahan of Mahanoy Plane, and was a member there in the fall of 1874 and in 1875, and there is where you have it that I was expelled, and I joined it again. I was not expelled.

Q. Then you tried to join it again ?

A. And did. I was successful.

Q. You joined again ?

A. Yes, sir.

Q. At the time you rejoined the association you knew it was a criminal organization ?

A. I knew it was bad to a great extent, but it was for my own personal safety and to keep myself in good standing amongst the party ; that is what I rejoined it for.

Q. You say that while you were a member of the organization you prevented one crime ?

A. Yes, sir.

Q. Tell us what that was ?

A. That was the attempt to be made upon Jackson's Patch to burn it down, and shoot and kill a man by the name of, I think it was Whalen, and a man by the name of Ed. something. I do not remember what his name was.

Q. Tell me how you found out that crime was to be committed ?

A. I found it out from Dennis Donnelly and Philip Nash.

Q. Tell us what you did to prevent the crime ?

A. I went to John McDonnell from Mahanoy City, who was a party in the affair, and begged not to have it done.

Q. What was your reason ?

A. Because I did not want to see such a human slaughter and destruction of property.

Q. You did not want to assist ?

A. I did not want to see such a destruction of men, women, and furniture as there would have been probably.

Q. When was it ?

A. It was about the 28th of October, or November, 1873, that the attack was to be made.

Q. And it was after that you tried to rejoin the organization ?

A. Yes, sir ; it was.

Q. That organization had a charter granted by this Commonwealth ?

A. There is a charter for the Ancient Order of Hibernians.

Q. There is nothing in the constitution or by-laws that compels you to commit crime ?

A. There is nothing in that which guides the order ; it is just as much for any other society as for the guidance of the order as I know.

Q. The crimes were committed not by virtue of the constitution or by-laws, but by some arrangement among themselves ?

A. I never knew them to hold the constitution or by-laws as their guide in that order in my time.

Q. Did you hold it as your guide ?

A. Yes, sir.

Q. Did the constitution or by-laws of that organization tell you to conceal this crime when you found out it was to be committed ?

A. It did not.

Q. Did it prevent you from giving information that these crimes were to be committed ?

A. It did not.

Q. Then there were constitutional laws that you did not live by ?

A. I would not like to live up to it in that respect ; self-preservation is the first law of nature.

Q. You thought of that when you got into prison, did you not ?

A. Well, yes ; and I was advised to it by your colleagues to do what I am doing to-day. I done what I thought was best between myself and man and man—for myself and Charles McAllister in this case.

Q. Who were your counsel ?

A. The party that counseled me was Mr. L'Velle.

Q. Was Mr. Garrett ever your counsel ?

A. No, sir.

Q. Was Mr. Campbell ?

A. No, sir.

Q. Or I ?

A. No, sir.

Q. And they are my colleagues ?

A. It is a colleague of yours—Mr. L'Velle. I may have spread the word a little too broad when I said colleagues.

Re-direct examination by Mr. Kaercher.

Q. You were arrested and charged with being accessory after the fact to the murder of Sanger and Uren ?

A. Yes, sir.

Q. State whether or not the charge was that you had received those men into your house in the morning after the murder ?

A. That was all the charge ever was proved against me.

Q. That was what you were charged with and convicted ?

A. Yes ; it was taking the revolvers from these men and receiving those five murderers into my house ; that is what I was tried for and convicted.

Q. You stated that before you were tried you were called upon by Mr. L'Velle ; was he your counsel ?

A. He was my advisor at that time and until my trial, and the court had him appointed to plead my case, and he accepted it and came to me and asked me if I could not slip him a little money upon the matter.

Q. I want to know whether he did defend you at the time of the trial or defend Thomas Munley?

A. When I would not give him any money he would not take my case ; after I refused him the fee then he declined.

Q. Was it when Mr. L'Velle applied to you as counsel for Munley that you said you could not do anything for him?

A. Yes ; I believe it was on Monday morning, the last Monday of the Munley trial, if I recollect correct, that Mr. L'Velle called upon me. Upon the defense of Thomas Munley, Mr. L'Velle came to my cell and called me from the cell ; Mr. Irwin opened the door and brought me to a female cell, and the females were out at the time, and he said he wanted me to go upon the stand for the defense of Thomas Munley.

(Objected to.)

Q. Did you state at that time to Mr. L'Velle what knowledge you possessed in regard to it, or did you tell him you could not be of any assistance to him?

A. I told Mr. L'Velle that I could not do anything for his client, and he probed me so far that I had to tell him that Thomas Munley was the murderer and was in my house that morning, and he quit me and told me—

(Objected to.)

THE COURT :—The witness stated that he had made a communication first to Mr. L'Velle ; now, as the door has been opened, he should have an opportunity of stating the facts, but we will exclude the private conversation.

Q. State whether or not it was in consequence of what Mr. L'Velle then said to you that you first made up your mind to tell what you knew about these men coming to your house that morning?

A. That brought the first notion of it into my mind. From his advice I saw it was the best thing I could do, both for myself and for other innocent men there, to tell the truth, and he told me—(objected to)—as soon as the Mollie trials were over to tell it.

Q. Were you tried upon that offense?

A. I was.

Q. With counsel appointed by the court?

A. Yes; there were.

Q. Who were your counsel?

A. The counsel that advocated me was Charles Brumm from Minersville and Mr. Weidman; they are both here.

Q. Were you called as a witness in your own behalf?

A. I was, sir.

Q. And you were sworn?

A. Yes, sir.

Q. In your own behalf you told of these men coming to your house that morning?

A. I told the whole of the facts connected with the case so far as I could remember on that trial—everything that I remembered the same as I do to-day. I told them in my case and when I was on trial myself.

Q. State whether you were sworn in this court in another case as a witness?

A. I was sworn against Mrs. Hyland, but it was to know whether Thomas Munley was in my house at the time it was stated by other parties that he was in Gilberton.

Q. You stated you joined the order in 1872?

A. Yes, sir; in Shenandoah City.

Q. Who were the officers at that time?

A. John Kehoe was body-master, and Edward Monaghan was secretary or book-keeper, and William Houston was treasurer.

Q. You stated in answer to a question by the defendant's counsel that you knew of an attempted crime that you attempted to prevent; tell us when it was first?

A. It was in the fall of 1873.

Q. State what that attempted crime was?

A. It was an attempted—yes, I remember the name now—to go for Edward Burke, of Jackson's Patch, set fire to the houses they lived in, and as they jumped out to fire on them, and shoot them as they came out. I went to Mahanoy City to John McDonnell and tried to have this thing stopped, and the night the party came to Shenandoah to go and do that I used all my influence, and with John McDonnell it was prevented, and they did not go there.

Q. Tell us what was to be done to the property of these people as they were shot and came from their homes?

A. The houses were to be set fire first and when they came out the party were to shoot all the Sheet Irons or parties they did not like.

Q. Were they called the Sheet Iron Gang?

A. Yes; they were represented as such.

Q. Tell us where you learned that such an attack as that was to be made by the organization?

A. From Philip Nash, Dennis Donnelly and John McDonnell; they were the three men.

Q. Is this the Dennis Donnelly you learned it from?
(Indicating the defendant.)

A. Yes; the prisoner is the man I learned it from.

Q. What position did he occupy?

A. He was an officer—I think he was a body-master. I understood him to be a body-master at that time.

Q. Of what division?

A. Of Raven Run. I do not know what it might be called, and I was body-master at the same time in Shenandoah.

Q. What was Philip Nash?

A. I think he was an ordinary member or committee man. I do not know what at that time.

Q. Was there anybody else came to Shenandoah?

A. I was not much acquainted with the order at the time, but there was a good many divisions who had representatives there—some fifteen or twenty who might come—Chris. Donnelly was in Mount Laffee and they did not come; they assembled in different parts of the town, a great many at my house at the time of the Jackson's Patch affair.

Q. How many assembled in Shenandoah to go to attack Jackson's Patch?

A. I do not know; there was some at the depots and some came to my house.

Q. How many were there that night?

A. I suppose about two hundred, or one hundred and fifty people, about that.

Q. Who was the county delegate at that time?

A. Barney Dolan.

Q. Was this meeting called by the county delegate?

A. I do not know.

Q. Was it so stated in the order at the time?

A. I do not know. There was a meeting for the attack on Jackson's Patch, and the party I found anxious to get the thing done up was Philip Nash, Dennis Donnelly and John McDonnell of Mahanoy City.

Q. Were Nash and Donnelly present on the night the attack was to be made?

A. Yes; they were in Shenandoah.

Q. Did Barney Dolan, the county delegate, come to the meeting?

A. He did not.

Q. State whether the men dispersed and went home without making the attack?

A. They dispersed and all went away from there without making the attack.

Q. You stated that you rejoined the order after you returned from Europe by getting a card from Barney Dolan to William Calahan?

A. Yes, to John Kehoe ; and he (Kehoe) exchanged cards and gave me one to Calahan.

Q. You gave that to Calahan and became a member of his division ?

A. Yes ; that was sometime before Christmas, 1873 ; I do not know exactly.

Q. How long did you continue a member of his division ?

A. Until the 1st of the following April, or it was in 1874.

Q. And then continued into 1875 ?

A. I continued until in April, 1875 ; I continued a member in good standing with Calahan. I went to Calahan and reported to him to erase my name from the books, as I was going to withdraw as a member ; that my feelings were all right, and he should not consider me as an enemy of the order, but to take my name off. I was friendly with the order, and did all I could and more than I was asked to keep in friendship with the order, but I did not have their good-will, and I had to flee from Schuylkill county, in the winter, when I knew they were after my life, and I had to stop in Luzerne county until the arrests were made and the attack was made upon the order, and I was arrested afterwards.

Q. State what conversation it was that took place in the bar-room that morning when they came in from the kitchen ?

A. The conversation was between James O'Donnell and Thomas Munley, Charles O'Donnell, James McAllister and Michael Doyle, to James McParlan, or McKenna, and Thomas Hurley, that they had made a clean job of it at Raven Run, and that they had shot the man ; that they only intended to shoot one, but through some interference it was that this second man had been shot, and they contested to know who would have the honor of doing the job. "Friday" O'Donnell and Thomas Munley and James

McAllister were the parties that were nearest Sanger at the time of him getting into some house, attempting to get in at some back door, I suppose; and Munley said that he had got into the house only for him; that he met him the quickest at the door; and that James O'Donnell said that he could not escape him, that he was right at the fence, and McAllister took the wrong track and made for another door, and the man did not go for that door; and James O'Donnell and Thomas Munley fired at this man when he fell, and when they met him at the back door, I suppose, of some house, and they fired into him there; and in fact, the parties used to get up and talk altogether, and you could not tell the whole of the conversation. Michael Doyle and Charles McAllister stated that they were back by some old truck, or wagon-road, or timber, keeping back some other party that was coming around. Thomas Munley said that he fired upon some long son of a so-so, and Doyle said it was Bob Heaton; and McAllister said he did so and so, and how he reinforced him and assisted him, and fired also; but I could not tell who led the conversation, but their points I do remember. I was sitting back in a rocking-chair listening to the party.

Q. What was said about the men that was there?

A. There was a crowd of men sitting there, and he fired into them and scattered them away, and chased them away from the place; and he said he had to laugh at the Buckey Donnelly running away with his crooked-heel boots.

MR. WHITEHOUSE objected that any declarations made after the murder was committed, in the absence of the prisoner, are not evidence as to him.

MR. KAERCHER:—We have a right to have the whole conversation as it was drawn out upon cross-examination.

Adjourned to 9 A. M.

E. D. YORK,
Official Stenographer.

WEDNESDAY, NOVEMBER 21st, 1877.

Morning Session.

Court opened at 9 A. M.

NICHOLAS PURCELL sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you working on the 1st of September, 1875?

Answer. At Raven Run.

Q. Do you recollect the morning that Sanger was killed?

A. Yes, sir.

Q. Do you know Dennis Donnelly, the defendant?

A. Yes, sir.

Q. Did you see him that morning?

A. Yes, sir.

Q. Whereabouts?

A. To the best of my knowledge, it was near the powder-house, on the Mammoth road.

Q. What time did you get there?

A. I got there about twenty minutes before seven o'clock.

Q. Was Donnelly there when you got there?

A. I cannot tell you whether he was ahead of me, or not. I did not notice him any more than any other man.

Q. You saw him there at the pump-house?

A. Yes; near it. (Witness indicates on map.) Along side of the Mammoth road, to the right of the road as you go down.

Q. Was he standing or sitting?

A. I could not swear whether he was sitting or standing.

Q. Did you notice any men on the road as you came up?

A. When I came down from my house, which is situated in the middle of the patch, like, near Weevil's, I

turned into the Mammoth road ; I was going to wait for the powder-man to give me some powder ; the track was to the left of me, and I turned off to the right of the powder-house.

Q. Did you see any men there ?

A. I saw two men,—strangers ; I thought they were looking for work. They were in their clean clothes.

Q. Had you any acquaintance with them ?

A. No, sir ; never.

Q. Do you know James O'Donnell ?

A. No, sir.

Q. Charles O'Donnell ?

A. No, sir.

Q. Thomas Munley ?

A. No, sir.

Q. Or James McAllister ?

A. No, sir ; I have never seen them, to my knowledge.

Q. Or Michael Doyle ?

A. I knew him when a boy.

< Q. How long was he gone away from that place ?

A. I think it was two or three years.

Q. Was he one of the men there that morning ?

A. No, sir ; I could not swear to that.

Q. You recollect of seeing Dennis Donnelly near the powder-house ?

A. Yes, sir.

Q. Do you know where he lived in the patch ?

A. Yes ; he lived in the upper patch ; I could not tell you on this map.

Q. Where were those two men that you saw ?

A. I was sitting down at a stump there, myself, and another man by the name of Nicholas Purcell, and I was talking about his family, and these men came up, and one fellow jumped up and he halloed, "Clear, you sons of bitches!" and I did not know what was the matter.

Q. You did not see the men until they began to fire ?

A. No, sir.

Cross-examination by Mr. Campbell.

Q. What time in the morning was it that you saw Donnelly near the powder-house?

A. That was about twenty minutes before seven I got there.

Q. What time do the parties generally go to work there?

A. Seven o'clock.

Q. Was Donnelly in his working-clothes?

A. Yes, sir.

Q. What way would Donnelly come from where he lived to his work—past the powder-house?

A. No, sir; he had to pass down the street.

Q. Was it on his regular road to his work where you saw him?

A. Any man that wanted powder had to go where he was for powder.

Q. You did not think it strange to see him there that morning?

A. No, sir; I did not pass any more opinion upon him that morning than any other man.

Q. Did you see anybody else there that morning?

A. There is generally ten or twenty men there.

Q. It was not an uncommon thing for you to see men near the powder-house when you went to work?

A. No, sir.

Q. They had to go there when they wanted powder?

A. Yes, sir.

Q. Donnelly worked in the mines and used powder?

A. Yes, sir.

Q. Did he have his kettle with him that morning?

A. No, sir.

Q. (By Mr. Kaercher.) Did you see him have a kettle?

A. No, sir; I could not swear to that.

DR. A. B. SHERMAN recalled on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. State whether you impaneled a coroner's jury for the investigation of the circumstances attending the death of Thomas Sanger?

Answer. Yes, sir.

Q. Did you swear the witnesses?

A. I did.

Q. State whether this defendant, Dennis Donnelly, was sworn as a witness?

A. He was.

Q. Tell us what he said upon that occasion before the coroner's inquest?

• (Objected to.)

MR. KAERCHER :—The purpose of the offer is to show the declarations of the defendant.

A. I questioned him as to where he was, and he said that he was sitting at the powder-house. I asked him if he saw any strange men about that morning, and he said, not until they began to fire. When they began to fire they fired at him.

Q. Fired at Donnelly?

A. Yes; and said to him, as they fired, "Clear out of here, you sons of bitches."

Q. The defendant made use of that language at that time?

A. Yes; he said that the party said so to him. I asked him if he knew any of them, and he said that he did not. I asked him if he would know them if he saw them again, and he said he would not.

Q. Did he say anything upon the question of threats?

A. Never heard any threats against Sanger or any other person.

Q. He said so?

A. Yes; that is, any other party around the mine, as I understood it.

Q. He said they were strangers, and he would not know them if he saw them again?

A. Yes; they were strangers, and he would not know them if he saw them again.

Q. When was he examined?

A. Upon the 2d of September, 1875. The investigation commenced on the 2d of September, and Dennis Donnelly was the first witness examined.

Q. Did he say how many men there were?

A. That I cannot answer; I do not recollect whether he stated the number of men or not.

Cross-examined by Mr. L'Velle.

Q. You were deputy coroner?

A. Yes, sir.

Q. Did you summon your jury from the body of the county?

A. I don't know exactly what you mean by that term.

Q. Were your jurors citizens of Schuylkill county?

A. I am unable to say that.

Q. Do you not know that you had some jurors from Columbia county on that jury?

A. I afterwards learned that one was from Columbia county.

Q. A resident of that county?

A. I did not know it at the time, however.

Q. What was the decision of the jury?

(Objected to by the Commonwealth.)

Q. Patrick Daley was examined as a witness before the inquest?

A. Yes, sir.

Q. By you?

A. Yes, sir.

Q. Did you ask Patrick Daley all about his whereabouts that morning?

A. I could not say positively whether I did or not.

Q. Did you have any suspicion that Patrick Daley had any connection with the Sanger murder?

A. Am I obliged to answer that question?

THE COURT:—We think it is opening a wide door, and it is doubtful if it is testimony.

GEORGE ORMBOD sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. State whether, or not, you were one of the coroner's jury at the time of the investigation into the cause of the death of Thomas Sanger?

Answer. Yes, sir.

Q. State whether Dennis Donnelly was sworn as a witness, and examined by the jury?

A. Yes, sir.

Q. Tell us what he said upon that occasion, as to where he was, and what took place?

A. I have only a slight recollection of what he said. I remember that he said he sat near the powder-house that morning at the time Sanger was shot, and I remember of asking him myself whether he had ever seen these men before. He said not; and I asked him if he would know them again, and he said not.

Q. Did he remark as to whether they were strangers, or not?

A. That I do not remember.

Q. Did he state that he had not seen them before?

A. Yes; and that he would not know them again.

Q. Do you know how many he said there were?

A. There were five men.

Cross-examination by Mr. L' Velle.

Q. There were several other witnesses examined upon that occasion?

A. Yes, sir.

Q. Their testimony amounted to about the same thing as Donnelly's?

(Objected to).

Q. Did he say with whom he sat, upon that morning?

A. I do not remember that he said that.

Q. Did he not say he was among a cluster of ten or twelve people?

A. I think not.

Q. Did he say there was anybody with him?

A. I think not.

Q. Did he say that he was alone?

A. That I do not remember. He said he sat near the powder-house.

Q. Did not others in their testimony say that they sat near the powder-house?

A. That I do not remember. I remember his statement more particularly for certain reasons. I know more about him than some others.

Q. You have a great deal of feeling in this case?

A. No, sir; not just now.

Q. Did he not say there were ten or twelve people waiting to get powder that morning?

A. I think not; I do not remember of his saying so.

Q. He told you that he wanted powder?

A. I do not remember him saying that.

Q. Did he tell you what he sat there for?

A. No, sir.

Q. Did you not ask him?

A. I think not; I asked him some questions myself.

Q. Did you ask whether he was alone?

A. I think not; I judged what he was doing there.

Q. You did not ask him what he was doing at the powder-house?

A. I think not.

JONATHAN GEDDLING sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. State whether you were one of the coroner's jury at the time of the investigation in regard to the death of Sanger?

Answer. Yes; I was.

Q. State whether or not this defendant gave testimony before that jury?

A. Yes, sir.

Q. What did he say?

A. I cannot recollect but very little what he said, but he said something about seeing some strangers there, and I think he said he sat at the powder house, or somewhere near the powder-house.

Q. Did he say whether he knew these men?

A. I think he said that he did not know them and would not know them again.

Q. Or whether he had ever seen them before?

A. I could not say. He said he would not know them again.

Q. Did he say how many men there were?

A. I could not recollect.

(No cross-examination.)

PATRICK BUTLER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living on the 1st of September, 1875?

Answer. In Dean's Patch.

Q. State where Dean's Patch is?

A. Between Girardville and Shenandoah.

Q. In what direction is it from Raven Run?

A. It is south of Raven Run.

Q. How far ?

A. Across the mountain up to Raven Run, I think it is three-fourths of a mile, or a mile.

Q. State whether there is a traveled road or path from Raven Run to Dean's Patch ?

A. Yes ; there is.

Q. Were you a member of the Ancient Order of Hibernians ?

A. I was.

Q. State by what other name the association was known ?

A. Some called it the Mollie Maguires, and some called it the Ancient Order.

Q. When did you become a member ?

A. On the 15th of August, 1873.

Q. What division did you join ?

A. Under Dennis Donnelly, the defendant here.

Q. Into what division, what was it called ?

A. It was called the Ancient Order ; I do not think it had any number.

Q. What was the title by which it was generally known ?

A. The Raven Run division, I think.

Q. Who was the body-master of the Raven Run division at the time you joined it ?

A. Dennis Donnelly.

Q. You said you were initiated by him ?

A. I was.

Q. Who was present when you were initiated into the Ancient Order ?

A. John Lynett.

Q. Anybody else ?

A. No, sir.

Q. In what manner were you initiated ?

A. I was put upon my knees and put through what they call the test, and so on, like that.

Q. Whereabouts was it that this test was administered to you ?

A. Right up behind the tank on the Lehigh Valley road at Raven Run.

Q. That is the water-tank near the Lehigh Valley Railroad?

A. Yes; up in the bush there.

Q. State how long you continued a member of the organization?

A. I continued until this trouble broke out among us; until the 6th of May, 1876—I was arrested.

Q. You continued a member down to that time?

A. Yes, sir.

Q. When you joined this order you ascertained it to be a criminal organization?

A. Yes, sir.

Q. How long after you joined it did you ascertain that?

A. About six weeks, or two months, I think, I found it to be criminal then.

Q. State whether this defendant, Dennis Donnelly, to your knowledge, knew that it was a criminal organization?

(Objected to, that he can only tell what he knows and not what others told him.)

Q. Do you know from anything that was said to you by Dennis Donnelly that he knew of the criminal character of the organization?

A. I do, sir. He asked me when I joined, and after I joined, if I would be afraid to shoot a man if I was sent to do it, and I told him I would not.

Q. You said you discovered it to be a criminal organization after you joined it?

A. Yes, sir.

Q. State whether that was its real character?

A. So far as I knew then it was.

Q. Tell us in what manner the organization committed crimes?

A. When a man did not do right they got a man to go and give him a good hammering, or kill him, may be.

Q. Where would they select the men to do the killing or beating from?

(Objected to.)

MR. KAERCHER:—The Commonwealth propose to prove by the witness upon the stand the criminal character of the organization of which the defendant was a member, in the manner and for the purpose stated in the written offer made by the Commonwealth in regard to the testimony of James McParlan.

MR. GARRETT:—The defendant objects for the same reasons as stated in the objection to the written offer in regard to McParlan's testimony.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. One division borrowed them from another.

Q. State the purpose of that?

(Objected to.)

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. When there was a man to get licked, the men that belonged to the division where he lived would come to me to find men to go and lick that man.

Q. State why they were taken from another division?

A. So they would not be known.

Q. What was the practice of the organization in regard to crimes in case the perpetrators were arrested?

(Objected to by the defendant as immaterial, irrelevant and not covered by the offer.)

THE COURT:—We think it is covered by the general offer, and has been decided by the Supreme Court in several cases.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. They were ready almost any time to come down and swear an *alibi* out to save a man ; that was the practice.

Q. Was it the practice of the organization to raise funds to employ counsel to defend criminals ?

A. Yes, sir.

Q. If you ever heard this defendant, Dennis Donnelly, make any statement in regard to the murder of Thomas Sanger, begin with the first suggestion of the kind, and tell us all that he said in that connection.

A. It was in the summer of 1874,—early summer or spring. I was in Louis Blass' saloon in Girardville. Me and Dennis Donnelly were there together, and Thomas Sanger came in there, and he said, " Did you ever see Thomas Sanger ?" And I said, " No," and he said, " Come over and I will show him to you, so you will know him the next time you see him." I went and looked at him, and that was the only time I saw him before that time, and he said that he was the son of a bitch that was discharging the men around the colliery and putting Englishmen and Cornish men in their places. That is all that took place as near as I can tell. I think Sanger came up and took a drink at the bar.

Q. Who asked him to drink ?

A. Dennis Donnelly.

Q. Was it after he told you this about Sanger that he invited him to drink ?

A. Yes ; so I could have a good look at him.

Q. State whether or not Louis Blass was at home, and whether you saw him ?

A. I think he was at home that day, but I would not be certain.

Q. Was that all that occurred at that time ?

A. I think that was all, as near as I can think.

Q. When did you next have a conversation ?

A. I had several that I cannot think of.

Q. Do you recollect any particular occurrence when he desired you to go and engage in the shooting of Sanger ?

A. Once after that again he told me to come to Wild Cat Run, where Larry Crane lived ; and he and Phil Nash and I went to Centralia, and we did not know what we had to do until we got there. We were to go there and kill a man by the name of McBriarty.

(Objected to.)

Commonwealth's counsel then made a written offer as follows :—

"The Commonwealth propose to prove by the witness, Patrick Butler, that the defendant, Dennis Donnelly, in company with Lawrence Crane, Philip Nash and witness, at the request of Donnelly, went, in the latter part of the year 1874 or beginning of 1875, to Centralia, Columbia county, for the purpose of killing one Manus McBriarty, in consideration of which it was agreed that the Centralia division of the Mollie Maguires should furnish men to murder Thomas Sanger. This for the purpose of showing the feeling and motives of the prisoner, and said evidence to be followed by testimony to show the continuance of such malice on the part of the defendant against Thomas Sanger to the day of the killing ; and by evidence that the men who killed Sanger were procured to do the killing by Dennis Donnelly."

The prisoner objects to the foregoing offer :—

"*First.*—Because the offer does not show that the conspiracy to kill McBriarty in consideration of the killing of Sanger was ever carried out.

"*Second.*—Because it introduces, not before this court, nor within its jurisdiction, an independent crime, to the prejudice of this defendant.

"*Third.*—The evidence already on the part of the Commonwealth shows the men that killed Thomas Sanger did not come from Centralia division of the Mollie Maguires

"*Fourth*—That this defendant is not now on his trial for conspiracy to kill McBriaty.

"*Fifth*.—That the offer does not show that the murder of Thomas Sanger was done for any consideration, nor by or through the organization known as Mollie Maguires.

"*Sixth*.—That the evidence proposed in the offer is immaterial and irrelevant."

THE COURT :—We think this offer is admissible in view of the ruling in the other case.

(Exception taken by the defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. Now proceed and tell us all about this occurrence in relation to going to Centralia ?

A. Dennis Donnelly sent for me. I met him on Sunday, and he told me to meet him a certain night at Larry Crane's at Wild Cat Run, and to bring my pistols along if I had any.

Q. When was it ?

A. I think it was in the spring of 1874, as near as I can judge. I know there was about a foot of snow on the ground at the time, or snow on the ground any way. I do not recollect how much.

Q. Was it before or after he pointed out Sanger ?

A. Well, now I could not say, but I think it was after I did so, and I came to Larry Crane's house.

Q. Where did he live ?

A. In Wild Cat Run.

Q. How far from Girardville ?

A. Perhaps a quarter of a mile—between Girardville and Raven Run, on that line. I met Dennis Donnelly there and Larry Crane and Philip Nash, and we went down. No ; I did not meet Nash, but we went down to the finger-board.

Q. How far from Girardville?

A. About a quarter of a mile, and there I met Philip Nash at his house, and we went from there, and I think we had some whisky there. I was not drinking whisky, and did not drink any, but I know the rest drank some of it, and we went over to the train, went to Ashland, and walked up to Centralia.

Q. State whether you took any weapons along with you?

A. I took a five-shooter.

Q. What did any of the rest take?

A. Philip Nash took a carbine and a six-shooter, and Donnelly had a five-shooter; I do not know but he had another small one, but I know that he had a five-shooter and Philip Nash had a revolver, too.

Q. Was Crane along?

A. Yes; he had a revolver.

Q. Where did you go when you got to Centralia?

A. We went to Ned Curley's saloon.

Q. Who did you meet there?

A. Ned Curley and another man from the Rappahannock. He was not a member, and he was drinking, and was laying one side. After a time a man came in by the name of Tom McCann, and Lenahan; that was all I remember now.

Q. State whether the persons you have named were members of the Mollie Maguires?

A. Yes; they were.

Q. Which of them were officers?

A. Ned Curley was an officer—he was county delegate of Columbia county at that time.

Q. What was Donnelly's position?

A. He was my body-master, and Philip Nash was body-master over Larry Crane in the Wild Cat Run division.

Q. Were there any other officers?

A. No, sir; not to my knowledge.

Q. Tell us what was said and done at the time you were there ?

A. He fetched us there to—

(Objected to.)

Q. Before you went did Donnelly say what you were to go for ?

A. Not until we got on the road.

Q. On the road what did he say ?

A. He told us that we were going to Manus McBriarty's, to break into his house, take him out and kill him. He said that Ned Curley wanted it done, and he was going up to do it. We got to Ned Curley's and there was some whisky there, but I drank some temperance drink and smoked some cigars. There was conversation there until it was light enough to go at the work. I think it was about eleven o'clock when we got to Centralia.

Q. If there was anything said about Sanger, tell us what was said ?

A. Well, it was discussed there that Ned Curley told them if they would come—told us if we would come and kill Manus McBriarty—that he would get men to go to Raven Run to kill Thomas Sanger, and in return for the job.

Q. Was there anything said as to who wanted Sanger killed ?

A. Buckey Donnelly wanted him killed. I do not think any of the rest wanted him killed because he was the one working there—he said that—

Q. He was the one that wanted Sanger killed ?

A. Yes ; he allowed that he wanted him killed, because no Irishman could get a chance to work there—not get anything to do that was any good.

Q. And Curley stated that if McBriarty was put out of the road that his division would furnish men to go over and kill Sanger ?

A. Yes, sir.

Q. State whether that was before you went down to McBriarty's?

A. Yes. Ned Lenahan led us down to the house.

Q. Who went down to McBriarty's?

A. Myself, Philip Nash, Crane and Donnelly, and Lenahan came down to point out the road and show us the house. We went down, and we thought we had not numbers enough to attack the house, and so we backed out and went home and did not make the attack.

Q. State whether upon any other occasion Donnelly desired you to go and kill Sanger?

A. He did; on the same summer. I think that he told me in Louis Blass', because he came down in the morning, and came down to my house with Pat Shaw, and said we should come up and kill Thomas Sanger—that the works were idle; Heaton was not working, but Jimmy Kelly, his father-in-law, and old Jimmy Nash were on repairs inside, and it would be a good time to come and shoot him as he came to see the men. He gave Pat Shaw a revolver to do it, and on the same day—it was the revolver that shot Pat Reilly.

Q. What day was it?

A. I could not tell you.

Q. What time of the week,—do you know?

A. No, sir; I don't. It was on Sunday he told me, and they were to go up the next morning.

Q. And Pat Shaw was with him on that day?

A. Yes, sir.

Q. Did you learn from Donnelly what happened to Shaw that day?

A. I knew it myself.

Q. Were you along at the time?

A. No, sir; but I heard of it afterwards.

Q. Did you learn from Donnelly what happened to Shaw?

A. I could not say that. I might have, but I could not say.

Q. What did happen to Shaw, if you know?

(Objected to.)

Q. Did you see Shaw that day?

A. Yes; I did.

Q. What time?

A. On Sunday he came down after the shooting to see me—after they shot Reilly—after shooting Reilly.

Q. State whether Shaw became intoxicated that day?

A. Yes; he did. I said I did not know what the fight was about, but I was on the road where they went to shoot Reilly. I went to Colorado and they went to Lost Creek.

Q. Where was this man Reilly shot?

A. I could not tell you whereabouts on the road; he lived in Lost Creek.

Q. Was it on the road from your place that Shaw went by Reilly's?

A. Yes, sir.

Q. Was it after Donnelly had been to you?

A. Yes, sir.

Q. Do you know what became of Shaw afterwards?

A. He got put in jail here for it.

Q. State whether the occurrence for which he got put in jail was the occurrence which happened upon the day that Donnelly came to your house with these men?

A. No, sir.

Q. What was Shaw's first name?

A. Patrick Shaw.

Q. Did you know a man by the name of John Gaughan?

A. I did.

Q. Did you have a conversation with Dennis Donnelly in regard to him?

A. Yes, sir. John Gaughan was not a member of the Ancient Order until I had the conversation with him. I had the conversation before that.

MR. KAERCHER:—The Commonwealth propose to prove by the witness that John Gaughan was not a member of the Ancient Order of Hibernians or Mollie Maguires; that he was turned out of his house by Heaton & Company; that the defendant, Dennis Donnelly, in conversation with the witness, stated that Gaughan must be made to become a member of the organization, so that the organization could take up and avenge on Sanger the eviction of Gaughan from his house.

MR. L'VEILLE:—The defendant's counsel object that the declarations or conversations between the witness and defendant, relative to Gaughan, are entirely immaterial and irrelevant in this case, and that the evidence already given upon the part of the Commonwealth shows that Mr. Heaton was the party who directed the eviction of Gaughan.

THE COURT:—I believe all we have upon that subject was upon Heaton's cross-examination as to the turning out of this man, and re-direct upon the part of the Commonwealth.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. State what your conversation was with Dennis Donnelly in regard to Gaughan?

A. Gaughan used to be a member before I joined the order, and then he quit, and did not join the order until 1875.

Q. The second time?

A. Yes; and that was the time he was thrown out of his house in Raven Run—that Robert Heaton threw him out, and thus the difficulty got up between them.

Q. Tell us what Donnelly said in reference to Gaughan being thrown out of his house?

A. He told Gaughan, Munley and I that we could not

do anything for Gaughan until he would join the order ; then he would do something for him.

Q. What was it he said ?

A. That they would put Sanger out of the road. Gaughan blamed Sanger for putting him out of his work and out of his house.

Q. And Donnelly said that they could not do anything for Gaughan until he would rejoin the order ?

A. Yes, sir.

Q. And this conversation took place between you ?

A. James Munley, Dennis Donnelly, Gaughan and I.

Q. You said this conversation took place in 1875, after Gaughan had been put out of his house ?

A. Yes, sir.

Q. What was it in this conversation that Gaughan blamed Sanger with—Dennis Donnelly being present ?

(Objected to.)

THE COURT:—This is a conversation in which Donnelly was present and took part.

(Evidence admitted. Exceptions taken by defendant. Bill sealed.)

—C. L. PERSHING. [SEAL]

Q. State what Gaughan said when Donnelly was taking part in the conversation ?

A. He was present at the time, and then Gaughan came and joined the order under him—he and Mike Donnelly, Dennis Donnelly's brother, both on one day.

Q. Is that all he said ?

A. That is as near as I can think all that he said.

Q. You say that Gaughan did become a member ?

A. Yes ; he became a member.

Q. How soon after the conversation ?

A. I do not think it was more than a week afterwards.

Q. Where did you next have a conversation with Dennis Donnelly in regard to this murder ?

A. I had, before Sanger was killed, a conversation with him.

Q. When did that take place?

A. That took place on Barnhardt's bridge, in Girardville. He told me then that he was going the next week to get men to kill Thomas Sanger.

Q. Were you at Tamaqua at the convention of the Ancient Order at that place?

A. Yes, sir.

Q. Do you recollect at what time it was held?

A. The 25th of August, I think.

Q. Of what year?

A. It was in 1875, I think.

Q. Do you recollect whether Donnelly was at that meeting?

A. He was.

Q. Did you have any conversation with him there?

A. No, sir; I did not. I might have conversation, we were walking around all day around town.

Q. Do you recollect any remark in relation to Sanger?

A. No; I could not say that there was any.

Q. But in the conversation that you had on the bridge in Girardville he stated that he was going to get men next week to kill Sanger?

A. Yes, sir; that was right before that meeting in Tamaqua.

Q. Did you have any conversation with him after the murder of Sanger?

A. I did, sir; upon the very day that he was killed.

Q. Upon the day that Sanger was killed?

A. Yes, sir.

Q. Whereabouts did it take place?

A. In Tony Munley's cellar; he lived in one of the saloons in Dean's Patch at that time?

Q. How many minutes did it take to walk from where Donnelly lived to Dean's Patch?

A. About half an hour.

Q. Who else did you see there?

A. I saw Michael Doyle there too.

Q. Where did Doyle live?

A. In Shenandoah.

Q. Who else was present at this conversation?

A. Tony Munley was in the house, but I do not know whether he heard what was going on or not.

Q. You do not know whether he took any part in the conversation?

A. I do not know. He was not a member at that time.

Q. Who else was present?

A. This is all I know of.

Q. Tell us all that was said between you and Donnelly and Michael Doyle?

A. He asked me what I thought of that,—we were talking about the murder. A lot of men came by there with guns and revolvers, and I followed out on the road. They came to hunt the murderers, and I followed them on the road and went in there, and I saw Dennis Donnelly and Doyle. I told them to clear out or else they would be killed, and Donnelly said they could go to hell, the whole crowd of them. He asked me what I thought of the job that was done that day, and I said it was a good one, "but you better get out or else there will be a job of you;" and Dennis Donnelly went home and Doyle went to Shenandoah, I think. He told me who done it. He told me that Thomas Munley, Michael Doyle, James McAllister, James O'Donnell and Charles O'Donnell were the men who were there.

Q. Did he say who brought them there?

A. He said he brought them there.

Q. Was anything said by Donnelly or Doyle where they had been the night before?

A. Yes; Doyle asked me why I did not come down last night, and I said I did not know they were in the saloon

of Munley's. Doyle asked me that, and I said I did not know they were in the saloon, or I would have come down if I had known it. Michael Doyle told me that it was him that scattered the crowd of men that were standing on the railroad ; that he took his pistols and told them to clear out, or else he would fire into them.

Q. Did he say what they were doing at Tony Munley's the night before ?

A. They were drinking there untill about one o'clock in the night.

Q. Did he state where they had got the money ?

A. He did not state to me, Doyle did not, but Pat Neary told me. (Objected to.) He said that the same party was there with them.

Q. Who stated this ?

A. The both of them—they were both there at the same time.

Q. And both said it ?

A. Yes, sir.

Q. Did they say that Donnelly was there that night ?

A. They did not say that Donnelly was there that night, that I remember of.

Q. Did they state anything as to who got them the whisky ?

A. They did.

Q. Who was it ?

A. No ; they did not any of them state who got the whisky for them—none of them.

Q. Was there anything said about James Munley being present there the night before ?

(Objected to.)

A. They did not say anything about that.

Q. State whether you were present at any other time after the shooting of Sanger when Dennis Donnelly told you anything about this murder ?

A. On a Sunday afterwards.

Q. Who was present?

A. James Munley, and it was in James Munley's house. Pat Lynett was present, Pat Stanton, Pat Kelly, Dennis Donnelly and myself. There might have been more but I do not remember.

Q. State what position James Munley occupied in the order?

A. He was our secretary.

Q. What position did Neary have?

A. He was treasurer.

Q. Were all these members of your branch?

A. Not all I have named.

Q. Were they all members of the order?

A. Yes; they were all members of the order.

Q. If Donnelly said anything on this Sunday in regard to this murder tell us what he said?

A. I could not do that, but it was a conversation between the whole of us there; we were talking about it and James Munley was telling, and all the rest what they knew about it there.

Q. Tell us the conversation that ensued between you men there at that time?

A. James Munley allowed that he went to work, and he allowed he knew there would be no work, but he knew the job would be done; and Pat Lynett allowed he went in and loaded a wagon of coal, but he knew he would not be long in before the job would be done. Dennis Donnelly said he took his can too and went to work, but he knew there would be no work as soon as he said it. They were all telling the story, and they were all putting in a word.

Q. What did Donnelly say as to who got the men?

A. Donnelly told me that it was him that got the job done and fetched the men there. He told me that in Tony Munley's cellar on the night of the shooting.

Q. And did he make the same statement on this Sunday?

A. Yes, he did; to the best of my knowledge he did.

Q. Was there anything said by Munley what he had done for the men there at the time?

(Objected to.)

Q. State whether this was all one conversation?

A. Yes, it was; it was altogether.

Q. State whether in that conversation Munley made any statement as to what he had got for the men the night before?

A. Not there, he did not.

Q. Did he at any time, when Donnelly was present?

A. I do not think he did.

Q. If Donnelly made any statement as to whether he saw the men or not upon the morning of the murder, tell us what he said?

A. He did not say anything about that.

Q. Do you recollect of having a conversation with Donnelly after the killing of O'Donnell at Wiggan's Patch in 1875?

A. I had.

Q. What was that conversation?

(Objected to.)

MR. KAERCHER:—It is in reference to the Sanger murder—to prove declarations in reference to the murder of Sanger.

A. That was on the day after O'Donnell was shot, in Wiggan's Patch, that I had a conversation with Dennis Donnelly and John Kehoe; we were to have a meeting on that day.

Q. Tell us what this conversation was that you heard on the day after the killing of O'Donnell at Wiggan's Patch?

A. We were to have a meeting in Jack Kehoe's on the day after that, one Saturday, I think, to the best of my knowledge; but we did not have any on account of John's friend having been killed the night before. Donnelly was present, and he told me that about O'Donnell being killed that night, and he said they would have their revenge for

that, and that they would put more than one out of the way for that. John Kehoe told them to stop whispering in his house, that he did not want anything more of that.

(Objected to.)

Q. What did Donnelly, in regard to his having got the men who had gone to Raven Run? Was there anything said about that?

A. No, sir.

Defendant's counsel then asked that it be stricken out.

THE COURT:—We will direct that to be stricken out—all that took place at Kehoe's house at that time, and it is all withdrawn from the consideration of the jury.

Defendant's counsel then made a written motion as follows:—

“The prisoner now objects to proceeding further with this trial, for the following reasons:—That the Commonwealth, under the guise of an offer which was not fulfilled, have introduced evidence in this trial which was irrelevant and immaterial, to the great prejudice of this prisoner.

“That under an offer which deceives both the court and the counsel for the defense, they have introduced defendant's statements of his intention to commit other and independent crimes, having no connection with the case now on trial.”

Q. I desire to call your attention to the conversation that occurred at Kehoe's on the day after the Wiggau's Patch murder, when Dennis Donnelly was present?

(Objected to.)

Q. Was there or not anything said by Dennis Donnelly on that day as to who had procured or taken the men to kill Sanger?

A. No, not there; not about Sanger there.

Q. Was there at any other place, on that day, such a conversation had?

A. Not to my knowledge. Tom Sanger I do not think was mentioned that day. We all dispersed and went home.

Q. About the Raven Run murder, was it stated who procured or took the men to Raven Run?

A. I do not think it was, to my knowledge.

MR. KAERCHER objected to the discharge of the jury, for the reason stated in the written motion, in writing, as follows:—

“1st. Because the reasons assigned are insufficient in law to warrant a discharge.

“2d. Because the testimony given under the offer was struck out by order of the court, and withdrawn from the consideration of the jury.

“3d. Because the allegation that the court and counsel were deceived by the offer is not correct in point of fact.”

(Motion to discharge the jury overruled. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

THE COURT:—All that the witness testified to having taken place at John Kehoe's is withdrawn from the consideration of the jury, for the reason that the witness did not sustain the offer that was made in reference to Sanger. It is all withdrawn from your consideration as having no bearing against the defendant whatever.

Cross-examination by Mr. L'Velle.

Q. What is your present employment?

A. I am doing nothing just now. The last thing I worked at was—

Q. I ask you about the present time?

A. Nothing.

Q. Are you in the service of the Commonwealth?

A. I do not know. I suppose I will get my witness fees as a witness.

Q. Where do you live at the present time?

A. In Philadelphia.

Q. For how long back?

A. Since the 4th of July last.

Q. Have you been employed at anything since you were in Philadelphia?

A. I was, as night watchman for the Reading Railroad Company, and fireman for them on the road while I worked down there.

Q. How long did you work?

A. Until three or four weeks ago.

Q. Until you got notice you were needed here?

A. No, sir.

Q. Did you leave of your own volition?

A. Yes, sir.

Q. Did you leave to better yourself?

A. I try to if I can.

Q. Because you had another job in prospect?

A. No, sir.

Q. Because you were not getting wages enough?

A. Yes; because I was not getting wages enough.

Q. And for the last three or four weeks you have not had employment?

A. No, sir.

Q. How long have you been in Pottsville?

A. Since last Wednesday night at nine o'clock, when I came here.

Q. Were you subpoenaed to come here?

A. Yes, sir.

Q. By whom?

A. Mr. Franklin.

Q. He knew where you were, then?

A. Oh! by Mr. Gilchrist.

Q. He knew you were in Philadelphia?

A. Yes, sir.

Q. Were you in communication with the agency?

A. I will not answer that question.

Q. You must answer the question.

(The court directed the witness to answer the question.)

A. Sometimes I am in communication and sometimes I am not.

Q. Were you in communication with Pinkerton's agency?

A. I used to go in and out there—yes, sir.

Q. What was your business going in and out there?

A. I used to go in to hear about this trial when it was coming off.

Q. Was that your specific business?

A. Yes; that was some of it.

Q. You had nothing else to do except to know when this trial was coming off?

A. Not much more.

Q. What was the more?

A. I do not think it concerns this trial.

Q. (By the court.) State what your business was.

A. I came in to see Mr. Franklin and his men there.

Q. What was your business with his men?

A. To go in and see them.

Q. Did you have any business?

A. Nothing—no business.

Q. No business at all?

A. No, sir.

Q. Were you not in their employ at any time?

A. Yes; when I was working for the Reading Company, of course, if I saw anything going on, I told Mr. Franklin.

Q. You were a detective?

A. No, sir.

Q. You were a detective for a special purpose in the Pinkerton employ?

A. Well, I used to send in communications.

Q. Answer my question—were you or not?

A. I believe I was.

Q. Tell me in what department of the agency your services were employed?

A. Around where I worked, sending in communications.

Q. Hunting up criminals ?

A. No, sir.

Q. Spotting the Mollie Maguires ?

A. No, sir.

Q. Watching thieves ?

A. Yes ; if I saw a thief I would tell on him.

Q. Were you in the employ of the agency during the strike ?

A. No, sir.

Q. Were you in the employ of the company ?

A. Yes ; of the Reading Railroad Company, in Philadelphia.

Q. Were you at Reading at all ?

A. No, sir ; I was not at Reading.

Q. But you were employed as a detective ?

A. I did just anything going around. I told him what was going on.

Q. Were you instructed to tell Mr. Franklin whatever you could see going wrong ?

A. I was instructed by Mr. Franklin.

Q. And he paid you specially for it ?

A. Yes ; he paid me some for it.

Q. How much per week did he pay you or how much by the job ?

A. Of course he paid me so much by the job.

Q. How much did he pay you by the job ?

A. I could not tell you.

Q. Was it regulated by the importance of what you gave him ?

A. No, sir.

Q. Did you have a price for all the information ?

A. No, sir. If I spent a day to look after this thing he gave it to me.

Q. How much did he give you a day ?

A. One dollar and sixty-two cents a day.

- Q. By the day or week or month?
- A. By the day.
- Q. Did he give you anything for expenses?
- A. Yes; sometimes he did.
- Q. How much?
- A. I could not tell you.
- Q. How much was the highest you ever received as expenses?
- A. May be five dollars at a time—I have received five dollars at a time.
- Q. Is that the highest amount?
- A. No, sir; the highest I got was ten dollars.
- Q. What job were you operating upon for that?
- A. He gave it to me to pay my fare up here when I came up.
- Q. When was that?
- A. Last Wednesday. I had no money myself.
- Q. Did he tell you what you were to do?
- A. He told me I was to be a witness upon this case.
- Q. Did you tell him what you were to prove?
- A. Yes; I did.
- Q. Everything you were to prove?
- A. Yes, sir.
- Q. Everything you have detailed in this court-house?
- A. Yes, sir.
- Q. When did you tell him?
- A. I do not know—long ago before I left the jail here.
- Q. In prison?
- A. Yes, sir.
- Q. He had several conversations then with you?
- A. No, sir; but I suppose he got them through Captain Linden; I suppose he got them.
- Q. Did you say that you had a conversation with Franklin in the prison?
- A. No, sir; I thought he knew about it.
- Q. Did you swear that he knew before you left the prison?

A. I suppose he did.

Q. Did you not swear positively?

A. I suppose so, but I did not understand myself.

Q. But you swore that Franklin did know before you left the prison?

A. I just understood it in this way: I said I gave it to Captain Linden, but it slipped me and I thought Franklin got it by giving it to Linden.

Q. That is the full explanation to your giving Franklin the information before you left the prison?

A. I suppose he got it through Linden.

Q. You supposed that he got it?

A. I suppose so.

Q. That is the only reason you swore that he got it?

A. That is all.

Q. How long did you reside in Schuylkill county?

A. I am off and on in Schuylkill county since 1863.

Q. When did you first know of the Ancient Order of Hibernians?

A. In 1873.

Q. What time in 1873?

A. I heard of it a little before I joined it. I joined it on the 15th of August, 1873.

Q. Did you make a note of the day of your initiation?

A. I did not, but I know it. It was a holiday, and I can remember it. I know the 15th of August is always a holiday.

Q. Is that the only holiday in the month of August?

A. I do not know. I suppose there were three or four Sundays, and they are all holidays.

Q. Do you not know the difference between a holiday and a Sunday?

A. I do not know—there may be more holidays in it.

Q. Do you not know the difference between a holiday and Sunday?

A. I suppose I do. I suppose God made Sundays and man made holidays.

Q. Did not God make both Sundays and holidays?

A. I suppose he did.

Q. Who made the Sunday?

A. God made Sunday.

Q. Are you sure of it?

A. I believe that.

Q. Is the Sabbath and Sunday the same day?

A. I do not know.

Q. Who made the Sabbath?

A. God made the Sabbath.

Q. Do you not know that the 8th of August is as much a holiday in the Catholic church as the other?

A. I do not know; it may be.

Q. You have been raised in the Catholic church?

A. Yes, sir.

Q. And you do not know that the 8th is as much of a holiday as the 15th?

A. I do not know.

Q. And you say because it was a holiday you were initiated upon that day?

A. It was upon the 15th of August.

Q. You say it was on the 15th of August, because it was a holiday?

A. Yes; it was upon that day I joined the Ancient Order.

Q. When did you first have occasion to recollect the day you joined the order?

A. I told you before, it was a holiday, on the 15th of August, and I recollect it by that.

Q. When did you first have occasion to recollect that?

A. I looked back to the year and know how many years I was in it, and I know the month.

Q. What time of day was it?

A. It was after dinner, above the Lehigh Valley Railroad, at Raven Run.

Q. You lived at Dean's Patch?

A. Yes, sir.

Q. You continued in the order up until your arrest and imprisonment?

A. Yes, sir.

Q. You say that after you had joined the order you ascertained its criminal character?

A. I did, sir.

Q. How soon after you joined it?

A. About twenty-five minutes or an hour—right on the ground where I stood.

Q. It was not six weeks, then?

A. Yes, it was—at that time it was; but at the time I knew it was criminal, he asked me how I would like to shoot a man, if I was sent.

Q. That was the reason you knew it was a criminal organization?

A. Yes, sir.

Q. And you continued in that criminal organization from August, 1873, up to May, 1876, when you were arrested?

A. Yes, sir.

Q. You were body-master of the Raven Run division?

A. Yes; I was body-master for a year and a half, about.

Q. When were you exalted to the honorable position of body-master?

A. It was in the fall of 1874,—some time in the fall,—but I cannot remember the month; but it was in the fall that I was made body-master in Dennis Donnelly's place.

Q. At a meeting?

A. Yes, sir.

Q. How long did you hold the position?

A. Until I was arrested.

Q. Then you were body-master at the time that Mr. Sanger was killed?

A. I was.

Q. Dennis Donnelly did not belong to your division?

A. No, sir.

Q. To the Raven Run division?

A. No, sir; he did not.

Q. Who was body-master of the Raven Run division?

A. There was no division in Raven Run; it moved down to Dean's Patch, where I got possession of it. I took it down there.

Q. Was Donnelly a member of the same local body that you belonged to?

A. No, sir; not after I took the body; he never was.

Q. How soon after you were initiated first did you establish a lodge in Dean's Patch?

A. Not until he was cut off from the order, and then wherever the body-master was that is where the division claimed its name from.

Q. Where was he cut off from the order?

A. In Jack Kehoe's house, in the fall, on the day I was elected—in the fall of 1874.

Q. What do you mean by cutting off?

A. Expelled from the order.

Q. Did you assist in his expulsion?

A. Yes, sir.

Q. Were you one of the committee?

A. No, sir. There was a committee, but I do not know who they were. I would not get leave to go into the room at that time, because I was not a body-master..

Q. Were you not in the body that expelled him?

A. It was not a body; it was a committee.

Q. You were not in?

A. I was not; no, sir.

Q. When there were charges preferred against a member, they went through the semblance of a trial?

A. Yes, sir.

Q. And had witnesses called and gave them a fair hearing?

A. Yes, sir.

Q. Was it not you preferred those charges against Dennis Donnelly?

A. No, sir.

Q. Were you not the witness that preferred the charges against him?

A. No, sir.

Q. Did you not go to Tamaqua to prefer charges against him?

A. I did; but I did not prefer them.

Q. Did you go to Tamaqua to prefer charges against Dennis Donnelly?

A. I did not prefer the charge.

Q. Was it before the convention in Tamaqua he was expelled?

A. Yes, sir.

Q. Who was appointed his successor there?

A. I was appointed in his place when he was cut off.

Q. Was it not in August, 1875, that they held the convention in Tamaqua?

A. Yes, sir.

Q. And you were not body-master until after the meeting of the convention in Tamaqua?

A. No such thing. I told you that it was in the fall of 1874 that Dennis Donnelly was cut off and I was put in his place.

Q. Where was he cut off?

A. In Jack Kehoe's, in the fall.

Q. Can you give us the month?

A. I could not.

Q. Was it in August?

A. I could not tell you.

Q. Was it in December?

A. I could not tell you. It was in the fall of the year 1874.

Q. When was Dennis Donnelly, if ever, reinstated after his expulsion in 1874?

A. He was expelled on that day for six months, and three dollars fine, and then in the spring of 1875 he could not get the money after his time was out. He could not raise the money to join the branch again until he went to Luzerne county, and he worked there and sent down his money to Jack Kehoe, who sent him up his card and he was a member when he came back.

Q. Did you go to Luzerne county with him?

A. I saw him there; but I did not go in company with him.

Q. How do you know he sent money to Jack Kehoe?

A. He got his card.

Q. How do you know?

A. Jack Kehoe told me.

Q. And that is why you say so?

A. And he told me himself.

Q. Where did he tell you so himself?

A. He told me when he came back, and he would not join us, but went down to Girardville and joined. That was in the spring after the suspension was over.

Q. Was the suspension in the spring of 1875?

A. I think it was.

Q. What time was the suspension broken in Schuylkill county?

A. I think it was in July sometime that I came back to work, and Dennis Donnelly came back shortly after I did. I saw him in Luzerne county, down in Providence. I think it was in June sometime.

Q. Were you and he working in Luzerne county?

A. I do not know where he was working; but he came down on Sunday to visit us.

Q. Do you know when he returned from Luzerne county?

A. No, sir; but I know he came down about a week after I did.

Q. How do you know?

A. I say he came down about a week after I did, and perhaps before. I do not know exactly. That is as far as I can give you.

Q. You returned about July?

A. I think so.

Q. What time in July?

A. If I am right, I think I went to work in Lost Creek about the 11th of July, and I was one of the first men who went to work after I came back.

Q. Did you see Donnelly before you went to work?

A. No, sir; but shortly after. Any how, he came back.

Q. Who was your successor or your representative in charge of your body in your absence?

A. Nobody.

Q. Had the body dissolved?

A. No, sir; it was there when I came back—pretty near the whole of us were gone.

Q. Did you re-organize after you came back?

A. Yes; when we came back.

Q. Right after that?

A. Yes, sir.

Q. With the old officers?

A. Yes, sir.

Q. Who were the officers left in charge?

A. We did not leave any; they all came up with us except Pat Neary.

Q. Then you transported the body to Luzerne county?

A. No, sir; we just had the the goods and went up.

Q. Did you organize any lodge up there?

A. No, sir; we had the preference to join up there if we wanted to.

Q. Who gave you the preference?

A. We took it ourselves. We have the permission to go into places where there is a meeting held.

Q. By what means?

A. When we have the goods and pass-word.

- Q. Without any card?
- A. Not for a visiting member.
- Q. Did you visit any lodges while you were up there?
- A. Yes, sir.
- Q. Did you visit several?
- A. No, sir; but one,
- Q. Where was Neary?
- A. He was at home.
- Q. Where was he when you returned?
- A. I could not say.
- Q. Did he assist to re-organize the lodge with you?
- A. Yes, sir.
- Q. As treasurer?
- A. Yes, sir.
- Q. Can you tell us the day of the re-organisation of your lodge at Dean's Patch?
- A. When we came back and got our first pay we all went into the hall and paid out money to raise it up again.
- Q. What time were you paid?
- A. I think in August—I suppose so.
- Q. When you all went and paid your dues?
- A. Yes, sir.
- Q. To whom?
- A. Into the branch. We paid Pat Neary.
- Q. He was the treasurer of the branch?
- A. Yes, sir.
- Q. Did Buckey Donnelly belong to the order?
- A. No, sir.
- Q. How do you know but he belonged to another branch?
- A. I knew when a man was a member when I was in the order by the signs and pass-words.
- Q. How often did they change the signs and pass-words in the order?
- A. Every three months.
- Q. How did you get the passwords--how long were you in Luzerne county?

A. I guess it was about two months.

Q. Were the same pass-words in use when you returned as you took with you in Luzerne county?

A. I think we had the same thing back as we took up with us. I think it was pretty near run out when we came back.

Q. How soon after you came back?

A. I could not tell you.

Q. Can you tell us the pass-word you had when you left?

A. No, sir.

Q. Or the one you got when you returned?

A. I could not tell you that.

Q. Was the pass-word you got when you returned the last pass-word you had?

A. No, sir; not the last one I had. I had quite a number, but I could not remember a quarter of the pass-words I ever had.

Q. Could you remember the last pass-word?

A. No, sir.

Q. Do you remember that you gained admission with half of the pass-words?

A. No, sir; but I had it all by heart then when I gained admission to the Mollie Maguires, but I have forgotten it by now. I wish I had forgotten the Mollie Maguires.

Q. Did you have them all by heart when you were in the order?

A. Yes; I did.

Q. You found it necessary to do that in order to know them?

A. Yes, sir.

Q. And the pass-word changed three or four times every year?

A. Yes, sir.

Q. And that would give you about twelve pass-words in the three years you belonged to it?

A. Oh, no.

Q. How many pass-words did you have?

A. We got them every three months.

Q. Did you commit them all to heart?

A. Yes, sir; while they were going.

Q. You cannot repeat from memory any one of those?

A. I could remember some of them, but I could not tell what quarter they were for.

Q. You knew what they were for, did you not?

A. In those days.

Q. Did you not know they were to give access to the lodge?

A. Yes, sir; and there were other pass-words for other purposes too.

Q. Were they exclusively to enter a lodge?

A. No, sir.

Q. For all purposes of recognition?

A. Yes; when you had the pass-words you could know any of the members.

Q. They were for all purposes of alliance and defensive?

A. Some were for defensive, and some for other purposes.

Q. You say that Donnelly came to your place, to Dean's Patch, in the fall of 1874, and that he had the revolver with which Pat Shaw shot Reilly?

A. Yes, sir.

Q. What time was it?

A. On Sunday. I did not say it was in the fall—either in the summer or fall.

Q. Do you think the summer is the fall?

A. No, sir.

Q. Do you know the seasons of the year?

A. Yes, sir.

Q. Do you know the fall season of the year?

A. I do.

Q. What is the fall season of the year—what months constitute it?

A. October, September and November.

Q. What time in the fall did Donnelly come to your place with a revolver?

A. It was not in the fall—in the summer.

Q. Was it in the summer?

A. I could not tell you.

Q. In June.

A. I could not tell you.

Q. In July?

A. I could not tell you; I know it was in hot weather or summer.

Q. It was in one of the three months?

A. Yes; but I could not tell which one of the three months, it was so long ago.

Q. Do you know when Shaw was tried?

A. I do not remember now.

Q. Do you not know that Shaw was tried in January, 1875?

A. I do not know.

Q. But you swore it was in the summer of 1874 that Reilly was shot?

A. That is to the best of my knowledge.

Q. Did you not swear positively awhile ago that it was in the summer he was shot?

A. To the best of my knowledge it was.

Q. Did you not swear positively?

A. I do not think I did.

Q. Did you not swear positively it was not in the fall?

A. To the best of my knowledge it was in the summer months.

Q. Did you swear positively it was not in the fall he was shot?

A. It was not in the fall.

Q. You are satisfied it was not in the fall?

A. Yes; I am.

Q. Was it in the spring he was shot?

A. No, sir.

Q. Was it in the winter ?

A. I answered your question ; I say, to the best of my knowledge, it was in the summer he was shot.

Q. Do you know what term of imprisonment he got ?

A. I do not know.

Q. Do you not know that he got three years ?

A. I do not know it.

Q. Do you swear you did not know it ?

A. Yes ; I do.

Q. Did you see the shooting ?

A. No, sir.

Q. Were you a witness upon the case ?

A. No, sir.

Q. How near the shooting were you ?

A. In Colorado, and he was shot in Lost Creek.

Q. How do you know it was the revolver that shot Reilly ?

A. Reilly's wife had the drum of the revolver after it fell out of the pistol, and she kept it until her husband became a member, and gave up the drum, and it went back to Dennis Donnelly. I saw Dennis Donnelly give him the revolver that day, and it was to shoot Sanger in the morning, and he went up and had some words with Reilly, and shot Reilly.

Q. So he did not shoot Sanger, nor did Donnelly contrive the shooting of Sanger in 1874 ?

A. No ; he was not shot, but he was contriving to do it.

Q. Did you not aid and assist him ?

A. I did not say I did not.

Q. Did you not aid and assist him in the perpetration of everything to shoot Thomas Sanger in 1874 ?

A. No, sir.

Q. Did he not ask you for men ?

A. He did.

Q. You were the body-master ?

A. Yes ; but I did not send them.

Q. Is not the demand made upon the body-master for men when there is a job to be done ?

A. He never asked me in the world for a man.

Q. Is not the demand made upon the body-masters ?

A. It is sometimes.

Q. All times ?

A. Not all times.

Q. Is not the body-master the man who selects the men ?

A. No, sir.

Q. Who selects them ?

A. Any prominent member in the organization could do it just as well as the body-master. Any man that is smarter and wants to commit more crimes.

Q. Did you hear McParlan's testimony ?

A. No, sir.

Q. You knew he was a member ?

A. Yes, sir.

Q. You did not know that he said they were always selected by the body-masters ?

A. I did not know that.

Q. The demand is not always made upon the body-master, is it ?

A. No, sir.

Q. But you say that any man in the order can select them ?

A. Men that are used to do that kind of work, you know.

Q. They were prominent in the order ?

A. Yes, sir.

Q. Prominent in crime ?

A. Yes, sir.

Q. Then the party selected has to go ?

A. Yes, sir.

Q. Did you not select the men to go to Centralia ?

A. How could I when I was not body-master ?

Q. Then you could not because you were not body-master?

A. I could if I wanted to, but I did not select them.

Q. I asked you whether or not you selected the men who went to Centralia, and you replied, "How could I when I was not body-master?"

A. I did say that.

Q. Explain that.

A. Plenty of members outside of the body-master done it.

Q. Did you not select the men to go to Centralia?

A. No, sir; I had no ill feeling against Manus McBriarty or Tom Sanger.

Q. What was the reason you went?

A. I do not know what reason I had.

Q. Who selected you?

A. Dennis Donnelly. He was my body-master at that time.

Q. That was in 1873?

A. I think it was in the spring of 1874.

Q. And you went to Centralia?

A. I did, sir.

Q. What time of night did you get there?

A. To the best of my knowledge, about eleven o'clock.

Q. Did you go through Ashland?

A. Yes, sir.

Q. And Philip Nash had his rifle upon his shoulder?

A. No, sir; he had it slipped down the leg of his pants, it was too big to carry good.

Q. Were the people still up?

A. Yes; we went and had a drink.

Q. Did you go right straight to Centralia?

A. Yes, sir.

Q. How long were you in Centralia before you went to McBriarty's?

A. Perhaps two or three hours.

Q. What hour in the morning did you go toward McBriarty's ?

A. I do not know ; it was dark yet.

Q. How many were down there ?

A. Five of us : Dennis Donnelly, Philip Nash, Larry Crane, myself and Ned Lenahan.

Q. How far was McBriarty's house from Curley's ?

A. It might have been two hundred yards.

Q. Was McBriarty living in the borough of Centralia ?

A. He was where they showed me—where Ned Lenahan showed me.

Q. McBriarty lived in Freck's house ?

A. I do not know.

Q. Do you know whether the cottage is on the hill ?

A. I think it was on the road that leads to Mount Carmel. I think it was on the Mount Carmel road.

Q. Everything was still and dark when you went toward there ?

A. It might be a moonlight night.

Q. Did you go to the front of the house ?

A. Yes, sir.

Q. But made no attack on the house ?

A. No, sir.

Q. Because you thought yourselves not strong enough ?

A. Yes, sir.

Q. How many houses were there in the block there ?

A. I could not tell you.

Q. Are there not only two houses ?

A. I do not know how many houses are in the block ; it was not in the company block but in the borough ; that is the house I was shown.

Q. Do you know what McBriarty was doing ?

A. I think he was an engineer at Freck's.

Q. And you say that in the spring of 1874 McBriarty lived on the Mount Carmel road, in the borough of Centralia ?

A. That is where Ned Lenahan showed us. I do not know whether he lived there or not.

Q. When did you ascertain that McBriarty was the party you were going to attack ?

A. From Dennis Donnelly, on the road going up there ; he said we were going up to Larry Crane's house on a certain night of the week.

Q. Did you refuse to go ?

A. I did not.

Q. Did he tell you what you were going for ?

A. I do not think he did. I could not tell you what he told me. He met me in Larry Crane's house.

Q. Is that all he told you ?

A. He might have told me more. I do not remember what else.

Q. Did he tell you to bring a revolver along ?

A. Yes ; I never went without that.

Q. You never carried your revolver except when you were on a job ?

A. I did, sir ; many a time.

Q. Did you always carry your revolver since you joined the order or until you left it ?

A. Yes, sir.

Q. And without the instruction of Dennis Donnelly ?

A. Yes, sir.

Q. And when you were body-master, too ?

A. Yes, sir.

Q. Did you ever carry more than one ?

A. No, sir ; not unless some one gave me one to carry. I never carried but one revolver on a job, if you call it a job.

Q. Do you not call it a job ?

A. Yes ; certainly, I do.

Q. You know John Gibbons in prison here and Frank McAndrew ?

A. Yes, sir ; I know them well.

Q. How long were you in prison ?

A. Nine months and one day.

Q. Do you read and write ?

A. Yes, sir.

Q. You had writing materials in prison ?

A. Yes, sir.

Q. You received some letters ?

A. Yes, sir.

Q. And wrote some to some of the prisoners ?

A. Well, I wrote some.

Q. Did you have any communication with any of the prisoners while you were in prison in relation to the conviction of these prisoners ?

A. I do not know. I might have. I wrote to John Gibbons.

Q. Did you write to any others ?

A. To Jack Deane once.

Q. To any others ?

A. Not to my knowledge.

Q. Did you only write two letters ?

A. I do not know whether there was anything concerning him in it.

Q. You only wrote two letters ?

A. I wrote lots of letters.

Q. Upon this subject ?

A. Yes; as much as I know. I might have written more—scraps.

Q. Who were the other confidants you had in the prison ?

A. I do not know as I had any more.

Q. Do you not know you wrote other letters beside those ?

A. I do not know.

Q. You are not sure you did not ?

A. No ; I am not.

Q. Did you send them by mail ?

A. No, sir.

Q. How did you send them ?

A. Same as I sent around to Jack Kehoe.

Q. Then you did write to Jack Kehoe ?

A. Yes ; I was asking him about that ten hundred dollars bail.

Q. By whom did you send those letters ?

A. By the other prisoners sweeping around the doors.

Q. You had no confidential messengers ?

A. No, sir.

Q. Nor did you direct your correspondent to be very careful who they gave your letters to ?

A. Yes ; I did sometimes before I came out.

Q. Who was the party you directed those letters to be sent through ?

A. I could not tell you that, but I remember one day I sent one by John McDonald around to Jack Kehoe.

Q. John McDonald was a convict ?

A. Yes, sir.

Q. Was he a Mollie Maguire ?

A. I think not ; he was in for a murder trial, I think.

Q. You did not make up your mind that you could not trust Mose Innes, because he was an Irishman ?

A. I know he would carry them for me.

Q. Did you not state in those letters that your correspondents should be very careful and not give them into the hands of Mose Innes ?

A. I do not know.

Q. Did you not direct that those letters should be sent by Mike ?

A. I sent some by Mike.

Q. Or through Mr. Beyerle ?

A. When I wrote out of prison.

Q. Then, Mr. Beyerle and Mike are the only ones you could trust as officers of the prison, were they ?

A. I gave letters to Mose Innes, too.

Q. What cell did you occupy when you went there first?

A. Thirty-two, and was there until I came out on the stand.

Q. Did you visit other prisoners?

A. No, sir.

Q. Did you ever visit the Hon. J. J. Slattery in his cell?

A. No, sir.

Q. Or Lawlor in his cell?

A. No, sir.

Q. Never visited the cell of Lawlor or Slattery?

A. Never, sir.

Q. Never was in their cell?

A. Never to go from my cell and go back again.

Q. Did you occupy the same cell with them?

A. Yes; after I came out upon the stand.

Q. Before you came out upon the stand?

A. Then, I did not.

Q. You never went into Lawlor's cell or Slattery's before you went upon the stand?

A. Yes; I say that.

Q. Then, after that, you occupied the same cell with them?

A. Yes; about a month after that.

Q. You were a member of the same happy family?

A. Yes, sir.

Q. They were the only three were there?

A. We had another man part of the time. I believe he was from New York.

Q. How long was he there?

A. I do not know. I think a month or six weeks.

Q. It was inconvenient for him to be in with you there?

A. No, sir.

(Recess for half an hour.)

Afternoon Session.

PATRICK BUTLER on the stand.

Cross-examination by Mr. L'Velle (continued).

Q. (Handing witness paper.) Is that your handwriting?

A. Yes, sir.

Q. Do you recollect to whom you wrote that?

A. I wrote it to John Gibbons.

Q. When did you write this letter?

A. When I was in prison—after I came out on the stand.

Q. With whom did you send this letter to Gibbons?

A. I think it was a boy named Boyle.

Q. What was his first name?

A. Hugh, I think.

Q. Where is he now?

A. I do not know.

Q. Did you say to Gibbons that if he would squeal you would get Captain Linden to have his sentence commuted?

A. I did not. I did not say that, but I will tell you what I did say: that I would help him all I could if he would come out and clear himself as some of the others did.

Q. Did you tell him that you knew Linden would talk to the judges and get his sentence reduced?

A. I do not know whether I did or not. I might have told him a many a thing, so far as that is concerned; that did not amount to anything.

Q. Did Captain Linden tell you to have such a conversation with Gibbons?

A. No, sir.

Q. Or with any others?

A. No, sir.

Q. Did you have any conversation with Captain Linden at all?

A. Yes; many a time.

Q. About getting Gibbons to squeal?

A. I did not, as I remember of.

Q. Did you write this: "I was talking to Captain Linden about you yesterday. I told him to try and do what he could for you, and he said he would see the judges and try and have your sentence cut short"?

A. I might have said so. I do not remember of Captain Linden saying that at all.

Q. Then you said what was not true if you wrote that?

A. I think I did.

Q. You wrote that yourself. (Handing witness letter.) Did you write that?

A. Yes; I wrote that.

Q. Then you had no authority to say to Gibbons from Linden that he would see the judges and have the sentence cut short.

A. No, sir; I said that of my own accord.

Q. You wrote in that letter a deliberate lie?

A. It seems so.

Q. Not what it seems?

A. I did.

Q. Did you not know at the time you wrote it that it was a deliberate lie?

A. I was trying to have him come out.

Q. Did you not know at the time you wrote that to him that you wrote a deliberate lie?

A. Yes, sir.

Q. What induced you and what motive had you in making such a lie?

A. Because Gibbons wrote to me, and told me he would squeal himself.

Q. Where is that letter?

A. I do not know. I tore it up in prison.

Q. Did you show that letter to Captain Linden?

A. No; I did not. He wrote to me on the rim of a

newspaper to this effect, and Mose Innis and Michael saw it. Michael the keeper carried the paper from him to me, and he wrote to me that it would do him no good now to squeal, or else he would, but he wished that he had done it before now.

Q. Then why did you urge him ?

A. That was before he wrote to me.

Q. Then you did not write this because Gibbons had said that he would squeal if it would do him any good then ?

A. Yes ; he did say so.

Q. Was that the reason why you wrote this letter ?

A. I said it was right before that.

Q. Was this letter written before you got the writing from Gibbons ?

A. Yes, sir.

Q. And then that was from Gibbons in reply to this letter ?

A. Yes, sir.

Q. Did you not invite in this letter a correspondence or interview with him ?

A. How could I have it when I could not get it ?

Q. Did you not state that nobody would be any the wiser of it ?

A. Yes ; certainly, I might have.

Q. Do you not recollect it ?

A. I do not recollect it ; but I do not say I did not do it.

Q. You assisted in the collection of money for the defense of Kelly and Doyle ?

A. Yes, sir.

Q. How much did you assist to collect ?

A. I do not know exactly.

Q. Do you know how much was collected—all that you know of ?

A. Twenty-three hundred dollars (\$2300).

Q. Did you not state that it was over five thousand

dollars (\$5000) that was collected for them in the county in this letter?

A. I did.

Q. Did you not know that it was a lie?

A. I did not know that it was a lie.

Q. Why do you say that it was only twenty-three hundred dollars (\$2300)?

A. That was all that was paid to John Kehoe, so he says; but how much was collected, and was drank around the county, I do not know. How much Hurley collected in Shenandoah and never sent a cent in.

Q. How much did you tell Gibbons was collected?

A. I said five thousand dollars (\$5000). There might be. I wrote that to him.

Q. Did you say five thousand dollars (\$5000)?

A. I do not know.

Q. Did you say four thousand dollars (\$4000)?

A. I do not know whether I did or not.

Q. Did you say three thousand dollars (\$3000)?

A. I do not know.

Q. Do you know what you wrote to him?

A. I do not know.

Q. How is that when it is so recently?

A. I do not say but what I may have said it.

Q. How is it that you do not recollect so recently what you wrote John Gibbons in that prison when you pretend to remember what occurred three or four years ago?

A. There is many a thing that would run across a man in prison that he may forget pretty soon.

Q. Did you not have more facilities to remember in prison than outside?

A. Some I would and some I would not.

Q. And is that the reason you give that you do not remember the amount collected?

A. I did not say but what there was five thousand dollars (\$5000) collected.

Q. I ask you what you wrote to Gibbons?

A. I tell you I do not know what I wrote to Gibbons.

Q. You wrote letters to John Deane?

A. Yes, sir.

Q. How many?

A. I think it was one. I do not think I wrote any more.

Q. Did you invite a conference with John Deane?

A. Yes; I saw him in the yard.

Q. Did you tell him that you could see him privately where nobody could hear you?

A. I do not know as I did. I told Mr. Beyerle I wanted to see him, and he let us out in the yard together.

Q. Both together?

A. Yes, sir.

Q. Did you tell him what you wanted to see Deane for?

A. I did not.

Q. You can say that you did not?

A. No, sir.

Q. Mr. Beyerle did not know what you wanted to see Deane for?

A. No, sir; I told him I wanted to see Deane privately.

Q. You did not tell him that you wanted him to tell you about Donnelly and the other parties?

A. I do not know as I did.

Q. How long was it before you wrote a letter to him?

A. I don't know.

Q. Did you write to John Deane that Irishmen had no show in this county during these trials?

A. I did not, as I remember of.

Q. Then you do not recollect that you wrote it?

A. No, sir; I might have; but I do not recollect it.

Q. Did you state that as your belief that Irishmen had no show in this county?

A. Well, no; some of them I believe had.

Q. Did you state in your letter to Deane—some of them?

A. I might not.

Q. Did you invite him to have a private talk?

A. I did not invite him in the letter, as I know of.

Q. Did you say you wished to have a private talk with him?

A. I do not know.

Q. (Handing letter to witness.) Is that your writing in this letter?

A. Yes, sir.

Q. Did you state in this to John Deane:—"You know that Irishmen has no show in this county"?

A. I do not know. I guess I did, if it is there.

Q. Look at it and see if it is? (Witness examines letter.)

A. I mean some Irishmen have not.

Q. You do not think you are one of those Irishmen, do you?

A. I might not think that Irishmen had any show in this county.

Q. Will you please explain what you meant by making use of that language to John Deane?

A. I will.

Q. Was it that they did not get a fair trial?

A. No, sir. I will tell you—that the Mollie Maguires had no show.

Q. Do you mean no fair show?

A. Yes; that they had no fair show.

Q. Why did you not use term "Mollie Maguire"?

A. They are all Irishmen.

Q. Were all Irishmen Mollie Maguires?

A. Pretty nearly all, except those born in this country.

Q. Was every Irishman born in this country a Mollie Maguire?

A. No, sir; but those that are Mollie Maguires, I meant.

Q. Then you meant when you wrote this that the Mollie Maguires had no fair show?

A. No.

Q. You did not mean that Irishmen, in general, had no fair show ?

A. No, sir.

Q. And that was the intent when you wrote that ?

A. Yes, sir.

Q. Why did you not so write, then ?

A. Well, I would have if I thought of it.

Q. You did not think of it at the time, but you knew what you were writing ?

A. Yes ; I did.

Q. And you knew that the ~~would~~ Irishmen, and you knew that all Irishmen were not Mollie Maguires ?

A. Yes, sir.

Q. You flattered yourself very greatly upon the notoriety and celebrity of your position as a squealer in the prison, and you said some of the richest men in the county came in to see you every day ?

A. I said so.

Q. Tell us who they were ?

A. I do not know as I mean in richest men.

Q. Did you say that the richest men came, and that they brought you presents ?

A. No, sir. I suppose they wanted to come in to see the squealers.

Q. Did you not say that they promised to assist you when you got out ?

A. I might have said so. It was my policy to say that.

Q. Then you told a lie again ?

A. It was my policy to say that to John Deane.

Q. Did you write that to Gibbons, or Deane, that some of the richest men were coming in to see you, and promising to help you when you got out ?

A. I might have done so.

Q. Did you to John Deane ?

A. I do not know. I just wanted to get out of John

Gibbons some things I wanted and John Deane, too ; and if you want to know, I will tell you.

Q. We do not want to know. It was in the hopes that these men would squeal, that you told them that some of the richest men in the county were coming to see you ?

A. John Deane could not squeal about anything, because he was not a Mollie Maguire.

Q. Will you tell us whether you knew you were lying, when you said that the richest men promised to assist you when you came out ?

A. Yes, sir.

Q. You knew you were lying ?

A. I only wanted to get on the right side of those fellows.

Q. Did you know a man by the name of Carey in that division ?

A. Yes ; Michael Carey.

Q. Where is he now ?

A. I do not know where he is.

Q. Did you see him since you came out of prison ?

A. No, sir.

Q. Did you see Frank McAndrew ?

A. No, sir. I would know him if I saw him.

Q. Did you know him well ?

A. Yes, sir.

Q. Did you not meet him in secret conclaves ?

A. No, sir ; I do not know as I ever met him in any secret place.

Q. Do you recollect the meeting of John Gibbons, Frank McAndrew, Michael Doyle and Mike Carey, at Dean's Patch, in the month of January, 1875, on any Mollie Maguire business ?

A. I do not recollect it.

Q. Do you recollect telling them that there was a son of a bitch at Raven Run that you wanted to put out of the way ?

A. I never said it in the world.

Q. Did you state whether he should be shot?

A. Never said it.

Q. Did you direct how he was to be shot?

A. I did not.

Q. Did you tell them they were to lie around the house until morning?

A. No, sir.

Q. And shoot him the first chance they got?

A. No, sir. I know nothing at all about the affair.

Q. Did you tell them it was a pretty hard job, as he was well armed?

A. I did not.

Q. And that you would post them how to put up a job and escape?

A. I never knew anything about the affair.

Q. Did you tell John Gibbons that you would hang Buckey Donnelly, if you could?

A. I did not.

Q. And do the same to more, if you could?

A. I never did.

Q. Did you tell Gibbons that when you got out that you were going to get plenty of money to go West?

A. No, sir.

Q. Did you tell Deane that?

A. No, sir.

Q. Did you tell Deane that in the letter you wrote him?

A. No; I never told him that in a letter, as I know of. I might have told him I was going West. How did I know I was going to get any money? I am able to work for my money.

Q. Did you not tell him that you would get money and go West?

A. No, sir. I never said I got money.

Q. Did you not state to Deane that rich men were coming to see you, and that when you got out they would give you money?

A. I do not think I said that.

Q. Will you swear you did not write him that?

A. I will not swear that.

Q. Why do you say you never said any such thing to Gibbons?

A. I do not think I did.

Q. You are not sure you did not?

A. I do not want any money; I am able to work for my money, and always was.

Q. This is your letter?

A. It is my letter.

Q. And you wrote every word upon that? (Witness shown letter.) Look it over so that you will have an opportunity to know what is in it.

A. That does not say I would go West.

Q. Does it not say you were going West?

A. I said I would go West.

Q. Why did you say it did not say that?

A. I guess I have a right to go where I like.

Q. Did you direct that these letters should be torn up and destroyed so that they should not go into the hands of any other person?

A. Yes; I did.

Q. Why were you so solicitous that they should be destroyed?

A. He wanted me to write privately, and wanted to come out, and so I wrote him to tear them up.

Q. You did not request him to tear them up so that no other person should see them?

A. I think I did; I did not want everybody to see them.

Q. Did you know Quinn, at Wiggan's Patch?

A. No, sir; I did not. I never saw him until I saw him in court here.

Q. What day was it that you met Donnelly on the bridge at Barnhardt's?

A. About a month before we had the meeting in Tamaqua.

Q. And then he told you that he was to furnish these men to go to Raven Run ?

A. He told me he was going after them that week.

Q. Do you not know that Sanger was killed before that—three weeks before the meeting in Tamaqua ?

A. Not quite.

Q. Do you not know it ?

A. I know that he was not killed.

Q. When was he killed ?

A. On the 1st of September, 1875.

Q. Did he tell you where the men were coming from ?

A. No, sir ; he did not.

Q. Did he make a requisition upon you as the body-master for the men ?

A. He did not. He knew it would not do, because I was too near home.

Q. Was Shenandoah any nearer than your place ?

A. It was a good bit farther.

Q. Is it not nearer by the high road ?

A. Not by the turnpike.

Q. Is there not a by path from Shenandoah across the mountain, almost as short as any path from Dean's Patch to Raven Run ?

A. There is a path runs to Shenandoah, but not as short as the one to Dean's Patch.

Q. Did Doyle belong to your division ?

A. No, sir.

Q. Donnelly did not belong to your division ?

A. No, sir.

Q. When did he belong to your division—since he was expelled ?

A. No, sir.

Q. Did Crane belong to your division ?

A. Yes ; Michael Crane did.

Q. Did Larry Crane ?

A. No, sir ; it is Michael McClain I mean.

Q. I did not ask you that.

A. I understood that. Larry Crane had a body of his his own. Nash was throwed out and he got into his division.

Q. At that time ?

A. No, sir ; a long time before that.

Q. Do you know who the parties were who collected money for your defense while you were in prison ?

A. Nothing, only what I was told.

Q. Do you know of the fact that there was money collected for you ?

A. There was.

Q. To defend you ?

A. Yes, sir.

Q. To whom was the money given ?

A. All back to the men that gave it to me.

Q. Who collected it, if you know of your own knowledge ?

A. I do not know of any money collected, only my brother told me—that is all I know.

Q. Do you not know of your own knowledge that there was money collected for your defense ?

A. Only what I was told by others. How could I know when I was in jail here ?

Q. Is it not the fact that you were the party yourself that got the men to kill poor Tom Sanger ?

A. No, sir.

Q. And is it not a fact that you wrote Gibbons those letters to corroborate you and not swear against you when you called the meeting in Dean's Patch ?

A. No, sir ; you may fetch them—I am not afraid of any man in the world. I will not tell a lie for anything like that. What occasion had I to kill Tom Sanger ? What did he do to me ?

Q. You did not say so in the presence of Frank McAndrew, who is living in Shenandoah ?

A. No, sir ; never.

Q. Nor in the presence of Gibbons ?

A. No, sir.

Q. Nor in the presence of Mike Carey ?

A. No, sir ; never.

Q. Were you accused, while you were body-master, of sending notices to parties, threatening them ?

A. No, sir ; never was accused.

Q. Did you ever send such notices to any one ?

A. No, sir ; never.

Q. Did you ever notify Sanger that he was in danger ?

A. No, sir.

Q. By letter, or word of mouth ?

A. No, sir ; never.

Q. You knew he was to be shot ?

A. I only knew it from him as he told me along all the time.

Q. And that was before ?

A. Yes, sir.

Q. Did you know any justice of the peace about Girardville ?

A. I did.

Q. Were you acquainted with William Heaton or Robert Heaton ?

A. Yes, sir.

Q. And Captain Hay ?

A. Yes, sir.

Q. And never told them, or any one, that Thomas Sanger was to be killed ?

A. No, sir.

Q. Was it because you were afraid to be killed yourself ?

A. There was a good bit in that, I guess.

Q. You are not afraid of being killed now ?

A. I am not so much afraid now.

Q. Could you not at that time left the county in safety and security as well as you have since then ?

A. I will tell you ; no, sir ; I could not ; I was all right when I was in the Mollie Maguires here and nobody troubled me, and you know where I am now, and if they get me now they will fix me.

Q. Could you not have gone away to Philadelphia, New York or elsewhere, after saving the life of this man, when you knew he was to be killed ?

A. I could, if I wished to.

Q. Would you sooner see him killed ?

A. No, sir ; it was rumored so long that he was to be killed that I gave it up that he was to be killed.

Q. Was it not your duty to go and tell some good citizen ?

A. No, sir.

Q. How long was it rumored ?

A. Over a year.

Q. Was it not rumored so far back as 1873 ?

A. I do not know but it was.

Q. From whom did you hear the first rumor ?

A. Of Buckey Donnelly.

Q. Where was it ?

A. I heard of it in Louis Blass' place. I might have heard of it before.

Q. How long did you live at Dean's Patch ?

A. I have been living there off and on for four or five years.

Q. Did you not know that Sanger bossed at Beatty's colliery for a number of years ?

A. No, sir ; I did not know him until he went to Raven Run. I left there in Raven Run in 1861 and 1862, and he was not there then. Bill Daly was there when I was in it.

Q. Did he succeed Bill Daly ?

A. I heard so.

Q. Was not Bill Daly there after you left ?

A. Yes ; he was.

Q. Was it not a couple of years ?

A. It may have been.

Q. Was it not in the year 1875 that he went to Raven Run?

A. I do not know.

Q. Was he in Raven Run in 1874?

A. Yes; he was.

Q. Was he in 1873?

A. That I could not say. I know he was there in 1874.

Q. How came you to meet Donnelly at Barnhardt's?

A. Many a place I came to meet him.

Q. Did you meet by pre-arrangement?

A. No, sir; accidentally, upon the road.

Q. What time was it?

A. About a week before the Tamaqua meeting; as near as I can tell you, in August.

Q. What day of the week was it?

A. I could not tell you that.

Q. Did he tell you who the men were that were selected?

A. He did not.

Q. Did he tell you that he was to make a requisition upon your division?

A. No, sir; he did not.

Q. Was it the first time he told you of it?

A. No, sir; he told me in Louis Blass' before.

Q. Did he ever tell you any other time?

A. Yes; in Centralia.

Q. And that was in 1873 or 1874?

A. Yes; and then again in Dean's Patch.

Q. When did he tell you in Dean's Patch?

A. The time that Pat Shaw was arrested for shooting Reilly.

Q. Was it not a year or more before Sanger was shot?

A. It might have been.

Q. He met you and told you several times that he was going to have Sanger put out of the road, and yet you kept it in your bosom and never told anybody?

A. Yes; and so would you too if you were in my place.

Q. You were not suspected of bad faith or treachery toward your fellow-members, were you, at that time?

A. I knew what would become of me if I told and it was found out.

Q. Could you not have told the priest of it?

A. No, sir.

Q. Would not the priest have saved the poor man's life?

A. I do not know whether he would or not.

Q. Do you not know that there are hundreds of men in Schuylkill county that you could have told at the time that this man would be murdered?

A. I could not tell whether they would keep it secret for me.

Q. Did you not have confidence enough in your priests to know that they would keep it secret?

A. I do not know.

Q. You never made up your mind that you would tell it?

A. No, sir; I did not want to.

Q. You did not want to stand in the way of this clean job?

A. I did not want to get myself killed for anybody.

Q. Did you not tell him not to do it?

A. I do not believe I did. That was not the style in our days.

Q. What was the style in your days—to warn men of their approaching death?

A. No, sir.

Q. But to hurry them into eternity with as much speed as you could?

A. Yes; that was the style.

Q. And you were one of the criminals at that time?

A. No, sir.

Q. Did you not know the organization was criminal from the time you were initiated until 1876?

A. Yes, sir; but I did not commit any crime.

Q. Did you not know it was a criminal organization for three or four years, and did you not go on an expedition of crime?

A. I did.

Q. Did you not perpetrate crime?

A. Where?

Q. Did you not assist to perpetrate crime while you were in the order?

A. I did; in one place I went, but I did not commit any crime in it.

Q. Did you ever go to Wiggan's Patch to commit a crime?

A. No, sir.

Q. To Mahanoy City to commit a crime?

A. Yes; but I did not commit the crime.

Q. Did you go to Mahanoy City to kill Burke?

A. Yes; but did I kill him?

Q. Was it your fault that you did not?

A. Yes; it was my fault.

Q. Why was it your fault?

A. Because I did not want to kill him.

Q. Who went with you?

A. Mike McDonough.

Q. Did he want to kill him?

A. No, sir.

Q. How long before you went on this message of death to Burke did you know he was to be killed?

A. Friday we went up; the Sunday before that he told me to meet him in Girardville.

Q. Then it only took two or three days to plan it?

A. I did not plan it; I did not know where we were going. That was about six weeks after I joined the order.

Q. Did he send you there? (Indicating the defendant.)

A. Yes, sir.

Q. Did you not say it was Barney Dolan sent you?

A. Barney Dolan as well as him.

Q. Did you ever mention Donnelly's name upon that stand before?

A. Yes, sir.

Q. And in connection with the Burke outrage?

A. Yes, sir.

Q. You now swear you did?

A. Yes, sir.

Q. You were on the committee at Tamaqua, were you not?

A. No, sir; I was not.

Q. Who went with you to Tamaqua that day?

A. I do not know as anybody left the Patch with me.

Q. You were examined as a witness in the Tamaqua conspiracy case upon this stand?

A. Yes, sir.

Q. Did you not swear that Frank O'Neil was not at Tamaqua that day?

A. Not to my knowledge.

Q. Did you not swear positively that he was not there?

A. I told you I did not know him at that time, and if I would swear to him I would swear he was not there.

Q. Did you not swear then he was not there?

A. I believe I did.

Q. Did you swear to the best of your knowledge?

A. I did.

Q. Do you swear now to the best of your knowledge?

A. Yes, sir.

Q. And yet he was convicted of being there?

A. I do not know.

Q. Do you not know he was convicted of being there?

A. Yes; he was.

Q. You swear now it was Barney Dolan and Dennis Donnelly that wanted Burke out of the way?

A. Yes; and Philip Nash. Nash was the man that wanted him put out of the way. He is the man that wanted the job done, but Donnelly and Dolan were the men to get the men for him. Donnelly got me as one of the men.

Q. And who went with you to do the job?

A. Larry Crane, Mike McDonough, Pete Finneral, Barney Dolan, myself and Dennis Donnelly.

Q. Did Donnelly go with you to Mahanoy City?

A. Yes, sir.

Q. Was he to participate in the attack?

A. It was supposed so when we left home.

Q. Where was this supposition formed, as you call it, at Raven Run, or where?

A. In Mahanoy City.

Q. Was it at Mahanoy City it was agreed that Burke was to be shot?

A. Yes, sir; and Girardville, too, before we started.

Q. Then it was before you went to Mahanoy City you formed the plan?

A. Yes, sir.

Q. Where was it?

A. A little this side of Girardville depot, in broad daylight. The train was going up to Mahanoy City in the evening.

Q. What hour was it?

A. In the neighborhood of four o'clock.

Q. How came you to meet there?

A. I will tell you. Dennis Donnelly told me to meet him there. I think he told me the Sunday before to meet him at Girardville depot at the time the train went up to Mahanoy City, and bring a revolver with me. When I got there at the depot I met him and Larry Crane and Pete Finneral there. We got into the train, and it was discussed that Burke was to be killed, and Barney Dolan came up to go to Mahanoy City, and he came in and went to Mahanoy City.

Q. That was all that went to Mahanoy City—Dolan, yourself, Dennis Donnelly, Pete Finneral and Mike Donahue?

A. Yes, sir.

Q. And that was the first you knew of the attack upon Burke?

A. Yes ; that was the first.

Q. You did not know anything about it when Donnelly told you to meet him in the morning?

A. He did not tell me to meet him in the morning.

Q. In the evening, then?

A. He told me the Sunday before.

Q. When was it you went up?

A. I think it was on Friday.

Q. And it was the only conversation you had about where you were to go?

A. Until we got to Girardville.

Q. Did you know when you got to Girardville?

A. Yes ; Buckey Donnelly told me and Crane told me.

Q. Buckey Donnelly told you this man was to be shot?

A. Yes, sir.

Q. What time did you make the attack upon Burke?

A. It was between eight and nine o'clock.

Q. Had the train gone to Ashland then?

A. No, sir ; it had not. I do not know but it had at that time.

Q. Where were the other men, Donnelly and Crane, while you were making this attack?

A. They went home.

Q. And Barney Dolan?

A. He went home.

Q. Who pointed Burke out to you?

A. A man by the name of John Ferby.

Q. Where is he now?

A. I do not know.

Q. Who directed you to see Ferby?

A. We met him upon the street. We had our supper and we met Ferby upon the street, and he was the man to show us.

Q. Did he live in Mahanoy City?

A. Yes, sir; he said he would stand up on the side of the hill and fire.

Q. Where were you to meet Burke; did you go to his house?

A. No, sir.

Q. Did you know Ferby before that?

A. No, sir; I did not.

Q. What was his first name?

A. I think it was John.

Q. Did you know him after that?

A. I do not think I would.

Q. Did you meet him after that?

A. I might have.

Q. Did you not swear upon this stand that Peter Farley was the man that pointed out Burke to you?

A. I never knew a man by the name of Peter Farley.

Q. Did you not swear it was Farley?

A. No, sir.

Q. Did you not swear that Farley showed Burke to you as he was sitting on the doorstep?

A. No, sir; that is wrong. I never said Farley, but I said Ferby. I do not know a man by the name of Farley at all.

Q. Did you see Philip Nash at Girardville on the Friday that you went to Mahanoy City?

A. No, sir; he was not there.

Q. And you did not see Philip Nash before the attack upon Burke?

A. I did not see Philip Nash upon that night at all. He did not come up; he was to come and meet us, but he did not come near the place.

Q. And it was Donnelly that told you this man was to be put out of the way?

A. Yes; we had our supper and went up town and had a private conversation there. Barney Dolan said he would not stay, and Dennis Donnelly said he would go home too.

Crane said his man and he would go alone, and Buckey said, "My man will stay."

Q. You were Buckey's man?

A. Yes; and the rest went home. Pete Finneral got so staving drunk that he could not see Burke on the street.

Q. Did you not swear it was settled that McDonough and you were to do it, and Barney Dolan was present when it was settled?

A. Yes; it was in Mahanoy City, and Pete Finneral got drunk.

Q. When was it settled? Was it at McDonough's house it was settled?

A. It was in a private conversation and in a private place, after we left McDonough's house; it was upon the side of the town.

Q. What time?

A. It might be between seven and eight o'clock.

Q. What month in the year?

A. I could not tell you that. In the fall—I think it must be about October.

Q. What part of Mahanoy City?

A. I think it was in the borough line.

Q. You swore you were to shoot that man between seven and eight o'clock in the evening?

A. Between eight and nine in the evening.

Q. But you were there for that purpose between seven and eight?

A. Yes, sir.

Q. Did you not swear upon this stand that Philp Nash was the man that wanted this man put out of the road and no others?

A. Yes; Philip Nash wanted the job done, and the rest were going to do it for him. I heard it through the others.

Q. You never saw Philip Nash connected with this intended attack, except what they told you?

A. They had it at that meeting; they were mad because Philip Nash did not put in an appearance.

Q. You were concerned in an intended attack upon Jackson's Patch?

A. I started to go there; yes, sir.

Q. You went there?

A. Yes, sir.

Q. Your conscience failed you after you got there?

A. No.

Q. Why was it?

A. I went part of the road, so far as Michael Lawlor's at Shenandoah, and we backed out and did not go.

Q. Was Donnelly with you?

A. Yes, sir.

Q. Who else was with you?

A. I could not name all there were there. Philip Nash was there.

Q. What place was it that Pete Finneral left you that evening?

A. I could not say; he got drunk on the street.

Q. He had supper with you and was sober?

A. Yes; he had supper, but he was not quite sober. We had a pint before we left Girardville, and he had a share of that between the four of them.

Q. Up to supper-time the arrangements were that you, McDonough and Finneral were to do the shooting?

A. Yes, sir.

Q. When you got to the place, were the arrangements reconsidered and Finneral left out of the plan?

A. He was not left out, but he was so drunk that he was left on the road and put in the watch-house, I heard, on the same night.

Q. Did not you three leave McDonough's to go to this place where you were to lie in wait for this man?

A. We went out of McDonough's, but we had no place to lie in wait, and we followed him around the street to shoot him; Ferby showed us the man and then left.

Q. Did you not go out on the mountain to meet him?

A. No, sir ; we did not.

Q. Did you swear that before ?

A. No, sir ; I did not swear that. We went to shoot him on the street, when we could get a chance.

Q. Did you not swear you were to shoot him at his own door, and one was to call him out and shoot him dead ?

A. Yes, sir. We were to shoot him wherever we could find him.

Q. Did you not say that you were going to shoot him at his own door ?

A. No, sir.

Q. Where did you see Burke ?

A. He was pointed out on the corner of the street.

Q. Do you know what street it was ?

A. It was the street where the bridge runs over across the road.

Q. How near were you to him when he was pointed out to you ?

A. He was on one corner and I was on the other. There was a lot more with him. He was standing on the corner.

Q. Did you not swear before that Burke was sitting on his own doorstep when you fired at him ?

A. I swear now that I fired at him on a doorstep, but I did not say it was his own ; he was sitting on a doorstep when I fired at him.

Q. Whose doorstep was it ?

A. I do not know.

Q. Did you see your testimony since you gave it upon the witness-stand in the other case ?

A. I did.

Q. How often did you read it over ?

A. I do not know ; maybe I might once.

Q. Did you twice ?

A. No, sir ; I think not.

Q. When was the once ?

A. When I was in jail.

- Q. Have you read this testimony since then ?
- A. No, sir.
- Q. Have you read the testimony of McParlan or others ?
- A. Some I did—on stray papers I might.
- Q. Did you read any of it in Philadelphia to refresh your memory ?
- A. No, sir ; unless I came across one accidentally.
- Q. Did you since you came to Schuylkill county ?
- A. I read his evidence yesterday.
- Q. Did you read it in the former trials since you came to Pottsville ?
- A. I have read the papers.
- Q. Have you read his former testimony since you came to Pottsville, until you went upon the witness-stand ?
- A. No, sir.
- Q. You are entirely satisfied it was in the summer of 1874 that Shaw shot Reilly ?
- A. I think it was, to the best of my knowledge.
- Q. You said before it was not in the fall you were satisfied ?
- A. I said it was in the summer.
- Q. And you say so now ?
- A. To the best of my knowledge.
- Q. You cannot tell the month ?
- A. No, sir.
- Q. Nor the day of the week ?
- A. On Sunday.
- Q. But you cannot tell the day of the month ?
- A. No, sir.
- Q. Donnelly was not present at the Tamaqua meeting at all ?
- A. No, sir ; but he was in Tamaqua. He was not present at the meeting.
- Q. Were you present ?
- A. No, sir ; I was not.
- Q. Were you not at the meeting at all ?

A. I was in during the morning, and John Kehoe picked out the committee, and we had leave to go. He picked out six or seven for a committee and told the rest to go where they liked.

Q. You met there for the purpose of selecting a committee?

A. Yes, sir.

Q. You went there, possibly, to be selected, too?

A. I did; Jack Kehoe wrote to me to be there, and I had to be there.

Q. (Mr. Whitehouse.) Where were you born?

A. In Ireland.

Q. When did you come to this country?

A. I was about seven years old when I came to this country. I could not tell you what year it was. It might be in 1851 or 1852.

Q. Where did you come to when you came to this country?

A. I landed in Quebec.

Q. How long were you there?

A. I do not know, indeed.

Q. When did you come to this country?

A. In 1863.

Q. When did you first join the Molly Maguires?

A. In 1873.

Q. Were you ever down here charged with any crime during that ten years?

A. No, sir.

Q. Were you guilty of any crimes during those ten years?

A. No, sir; not as I know of.

Q. Do you swear to that?

A. Yes, sir.

Q. You are a Catholic?

A. Yes, sir.

Q. And attend the Catholic church?

A. Yes, sir.

Q. Did you attend the Catholic church after you joined this order ?

A. Well, no ; not much ; and not much before. Very seldom I go to church.

Q. Did you go while you belonged to the order ?

A. It might be once or twice.

Q. Does your church require you to attend confession once a year, at least ?

A. It requires it if I do it.

Q. Did you attend confession while you were a member of the order ?

A. No, sir.

Q. Then you violated the rules of your church all the time you belonged to that order ?

A. Yes, sir.

Q. But you went to church while you were a member ?

A. Yes ; I have been to church.

Q. And while you were a member of the order ?

A. Yes, sir.

Q. Did you ever induce others to join this organization ?

A. Some I did and some I did not.

Q. When you were the body-master it was your duty to initiate them ?

A. Yes, sir.

Q. And you administered the test to them ?

A. Yes, sir.

Q. And used to get them to go down on their knees ?

A. Yes, sir.

Q. You swore to keep secret all the secrets of the organization ?

A. Yes, sir.

Q. And you knew at that time that it was a criminal organization ?

A. I could not help it—they were proposed before.

Q. Did you know at the time you gave them the test

and made them go down on their knees that it was a criminal organization?

A. I did.

Q. Did you induce anybody to join that organization, to get down on their knees and kiss that test, without telling them that it was a criminal organization?

A. I did, sir. I never told them that it was a criminal organization until after they had joined.

Q. Did you inform them immediately, or let them find out for themselves?

A. I let them find out for themselves.

Q. Have any of those men whom you swore into that organization got into trouble in these late troubles?

A. I do not think they have. I do not think there was a member that belonged to my division that had any trouble, except Mike McClain. I supposed he was the man that killed Gomer James; he allowed that he had.

Q. Do you know anything about that murder?

A. No; I do not.

Q. Did you not furnish the men to do it?

A. No, sir; it was not my men that killed Gomer James.

Q. You say it was not your men?

A. It was not.

Q. Did you see the pistol with which it was done?

A. Yes; after the murder.

Q. Did you go to inform the authorities?

A. No, sir.

Q. Start with the time when you first came into that organization, and give us the long list of crimes that you perpetrated while you were a member?

A. I never committed any crime only what I told you.

Q. Do you swear to that upon the stand that you never committed any?

A. Never.

Q. Did you not conspire to take the life of McBriarty?

A. I was in that crime.

Q. Were you not selected to kill Captain Hay ?

A. No, sir ; never.

Q. You knew nothing of it ?

A. Yes ; I knew that he was to be killed.

Q. Did you ever inform Captain Hay about it ?

A. No, sir.

Q. Did you not conspire to take the life of Burke ?

A. I was in the crowd.

Q. Did you not conspire to take the life of Burke ?

A. No, sir ; I consented while the crowd was there, but it was never my intention to kill him. McDonough and I fixed it up that we would not hurt him. Let me go within two feet of you, and I will see if I cannot shoot you.

Q. Were you on your way to commit a crime in Jackson's Patch ?

A. Not at that time. I had to go there.

Q. Did you consent to go there with the others to commit a crime ?

A. Yes, sir.

Q. Then do you swear you committed no crime ?

A. Not personally.

Q. I did not ask you personally—in any way ?

A. Of course if I committed a crime by doing this.

Q. I insist upon the question.

A. I conspired, of course. I was in the gang.

Q. When you swore that you did not commit a crime you lied, did you not ?

A. Well, of course, if I swore that I told a lie ; but I never committed a crime personally ; but I have been with others to do it, and then I could not back out of it.

Q. You deserted your wife, did you not ?

A. Yes, sir.

Q. You do not live with her ?

A. No, sir.

Q. You left her to paddle her own canoe in this world ?

A. Yes, sir.

Q. Do you not know that was a crime ?

A. No, sir ; I did not. If you had one the same as she is you would desert her too.

Re-direct examination by Mr. Kaercher.

Q. You left your wife for reasons satisfactory to yourself ?

A. Yes, sir.

Q. You were asked whether you went to commit crimes ; I ask you now whether you, yourself, personally, ever committed any act of crime by which injury was done to another ?

A. I never did ; I never did.

Q. You stated in a disconnected way, in answer to questions, that you were once with a party to attack Edward Burke at Mahanoy City ?

A. Yes, sir.

Q. Who was Edward Burke ?

A. He was a young man that lived in Mahanoy City.

Q. What was stated to be the reason that you should join in the attack ?

A. Philip Nash was not able to lick him, and he thrashed him (Philip Nash), and because he had thrashed him he had to die.

Q. State whether those persons with whom you were, were all members of this order ?

A. Yes, sir.

Q. State what part Barney Dolan took in this attack upon Burke ?

A. He did not come there at all. He was supposed to come there, and lead us there, but he failed to put in an appearance and we all went home to our houses.

Q. That was at Jackson's Patch ?

A. Yes, sir.

Q. I ask you about the attack on Burke?

A. He left his man there in his place.

Q. Who was Barney Dolan's man?

A. Mike McDonough.

Q. What was Barney Dolan at that time?

A. He was county delegate.

Q. State whether you and McDonough fired at Burke when you had him first pointed out to you in the crowd, or afterwards, when you saw him on the step?

A. No, sir; we waited until he went and sat down on the step with a woman.

Q. Did you, or either of you, attempt to hurt Burke?

A. No, sir; I did not, and I know that McDonough did not, because we had it fixed up that we would not shoot him.

Q. What did you report to the county delegate?

A. I told him we did our best, and he said it was just as good, for he would clear out now, any way; it was just as good as if we had shot him.

Q. You said you went to commit an offense at Jackson's Patch—what was to be done?

A. It was to shoot and kill and burn all that was in Jackson's Patch when they came out.

Q. That was the attack to be made against Burke?

A. Ned Burke.

Q. Was it the same man?

A. Yes, sir.

Q. Who called the body together to make that attack?

A. I got orders from Dennis Donnelly to be there.

Q. Were you in his division at that time?

A. Yes, sir.

Q. State whether other divisions were called to furnish men?

A. Yes, sir. There were some from Mahanoy City, some from Girardville, some from Big Mine Run, and

some from down the mountain here that night. I could not name them.

Q. How many men were assembled there upon that occasion?

A. There might be over one hundred (100) men.

Q. Were there other men in the town at other points?

A. I could not say that.

Q. State whether this assemblage of the Ancient Order was called by Barney Dolan?

A. I do not know; it was only hearsay, and that he told them to come to Mike Lawlor's house and he would lead them on; but he did not come.

Q. What was the reason?

A. Mike Lawlor played off sick, and said he was not able to go.

Q. Was he body-master at the time?

A. I do not know; but I heard so.

Q. What was the offense of Burke at this time?

A. On account of he did not clear out, and because he was a "sheet-iron" man.

Q. What was that?

A. A name they got for the parties that was against the Mollie Maguires.

Q. Was he known as the leader of the sheet-iron gang?

A. Yes, sir.

Q. State whether all the parties concerned in the Burke and Jackson's Patch affair were Mollie Maguires?

A. Yes, sir.

Q. State whether all the parties concerned in the Gomer James affair were Mollie Maguires?

A. Yes, sir.

Q. You stated that a man who belonged to your division, by the name of McClain, claimed to have murdered Gomer James but he did not?

A. Yes, sir; I always heard it was Hurley. Hurley himself told me that he did, and proved it. He belonged to McAndrews' division in Shenandoah.

Q. Did he prove that fact before a committee of the Ancient Order?

A. Yes; he did.

Q. Was it appointed for the purpose of determining that question?

A. Yes, sir.

Q. You also stated, in reply to a question, that you knew of an attempt to take Captain Hay's life?

A. Yes; I did. It was Johnny Boyle that wanted to do that. He belonged to Philip Nash's division. He came in from the West in April of that year, and he got to work in driving a gangway for the Philadelphia Coal Company; and it seems they turned him out and would not give him any more work; and it was on that account that he would get shot—that Reese or Hays would be shot. He asked me, and I told him I would not.

Q. You refused?

A. Yes, sir.

Q. Was he injured?

A. No, sir; he was not.

Q. You stated that twenty-three hundred (2300) dollars were raised for the defense of criminals?

A. Yes, sir.

Q. How did you learn that?

A. From John Kehoe. I paid my money in to him that I collected.

Q. How much did you collect?

A. About one hundred and twenty-five (125) dollars.

Q. Who were the parties the money was collected to defend?

A. Kelly and Doyle.

Q. Do you recollect whether or not, at the time the money was collected, it was to include the defense of Kerrigan?

A. I believe it was.

Q. Who were Kelly and Doyle?

A. Those men in Mauch Chunk charged with the murder of John P. Jones.

Q. Were they members of the order?

A. Yes;—oh, I don't know. I never knew them.

Q. You learned through the order that they were murderers?

A. Yes, sir.

Q. State whether the 15th of August of each year is a particular holiday in the Catholic Church?

A. Yes, sir.

Q. You recollect the day you joined the order from that circumstance?

A. Yes, sir.

Q. Do you know of the 8th of August being a holiday at all?

A. I do not know.

Q. Do you recollect what holiday it is in the church?

A. It is Lady Day, I believe they call it.

Q. You stated that this man Reilly, who was attacked by Shaw, afterwards joined the order?

A. Yes, sir.

Q. Was Shaw a member of the order?

A. Yes; of my branch.

Q. The chamber of the revolver, that was lost at the time of the attack upon Reilly, was afterwards given back to Donnelly?

A. So I heard.

Q. State whether you saw the chamber of the revolver?

A. Yes; in the woman's hand.

Q. Whose possession did you afterwards see it in?

A. I never saw it afterwards.

Q. Did you ever see Donnelly have it?

A. No, sir.

Q. Did he ever make any remark about it?

A. I do not know as he did; but he told me he got it all right; and the woman told me that he got it all right when the husband joined; and the husband told me.

MR. KAERCHER:—We ask to be permitted to see the

letters which the witness was examined upon, for the purpose of having an opportunity of examining him upon the contents of the same, if we think it necessary.

(Defendant's counsel refused to permit the Commonwealth to take the letters.)

THE COURT:—The mode of examining the letters was clearly outside of the rules of evidence. They are not in evidence, and have not been offered in evidence. We shall make no peremptory order.

Re-cross-examined by Mr. Whitehouse.

Q. Do you know a man named O'Rourke?

A. Yes, sir.

Q. Did you and another person have a conversation with this man O'Rourke, in which you offered him money if he would come down here and testify against Donnelly?

A. I never offered him any money.

Q. Never said anything about offering him money?

A. No, sir.

Q. You had no conversation with him about this money?

A. I had a conversation, but I never heard that I gave him any money.

Q. Did you make him any offer?

A. No, sir; never made him an offer.

Q. You did not?

A. No, sir.

Q. Did you want him to come down here and testify in this case?

A. No; I did not. I wanted to know if he had anything to say about it; and I think he knows something about it yet.

Q. Is that all you wanted to know?

A. Yes, sir.

Q. (By Mr. Kaercher.) What did you say to O'Rourke?

A. I told him if he knew anything about being in Donnelly's house that night, to let me know, as I thought I

was as good a friend to him as anybody in his past life; and I said I would do what I could for him, and would be his friend; but I never promised him any money. I said whatever I could do for him I would.

LOUIS BLASS sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where were you living in the years 1874 and 1875?

Answer. In Girardville.

Q. You lived there in 1873, too?

A. Yes, sir.

Q. Were you acquainted with Thomas Sanger?

A. Yes, sir; I was.

Q. Did you become acquainted with Patrick Butler so as to know who he was?

A. Yes, sir.

Q. And this defendant, Dennis Donnelly?

A. Yes, sir.

Q. Do you recollect of any occasion when these three parties were at your saloon; if so, tell us when it was and what transpired?

A. I recollect of several occasions that they were there. Mr. Donnelly and Sanger met there, and me and Sanger were pretty good friends, and when he came to town he generally came to me and several times Dennis Donnelly came in. He generally called him up to have a drink, and one time particularly I remember that Butler came in and Donnelly together, and Sanger and I were talking and sitting down and he called Sanger up to have a drink.

Q. Who called him up?

A. I think it was Donnelly. I am pretty sure it was Donnelly. At first Mr. Sanger refused, but Donnelly would not stop and he called me also, and we both had a drink.

Q. Do you recollect when it was?

A. I do not.

Q. Was it sometime before Sanger was killed?

A. Yes; I suppose from three months to a year before Sanger was killed. I cannot fix any time.

Cross-examined by Mr. L'Velle.

Q. Did you never see Butler in your saloon before that time?

A. Well, I think I did, but I am not positively sure. I know Butler since 1872 or 1873, anyhow.

Q. You often saw Sanger and Donnelly there drinking?

A. I never saw them in company together except one was in and the other came in and Donnelly called Sanger up to have a drink.

Q. Did you see them drink together upon several occasions?

A. Yes, sir.

Q. Did you ever see Butler drink there?

A. Yes, sir; and one time I recollect they were there together.

Q. When did you fix the facts in your mind?

A. At that time; I recollect it.

Q. At the time you saw the three drank together?

A. The four of us; I had a drink along with them.

Q. That is the time you fix it in your mind?

A. Yes, sir.

Q. When were you asked about the fact that you saw them together for the first time?

A. Some time last summer.

Q. And then you said you did?

A. Yes, sir; Butler asked me first, he said, "Do you not recollect?" and I said I recollected it well and can place them where they stood.

Q. Who was the first?

A. Sanger was.

Q. And Sanger and Donnelly came in together ?

A. Yes, sir.

Q. Did they go away together ?

A. Yes, sir.

Q. Where was Sanger ?

A. In my company. We had a drink and went back to where we got up and sat down again. It was from three to twelve months before he was shot.

Q. Was it in 1875 ?

A. It might be in the year 1875 or before that, but not much.

Q. Butler was well acquainted in Girardville, was he not ?

A. I was not so well acquainted with him.

Q. And you saw him there before ?

A. Yes, sir.

Q. And Sanger lived at Girardville for a number of years ?

A. Yes, sir.

Q. And bossed at Beatty's colliery ?

A. Not as I know. He worked there for a number of years, and was a contractor to sink a slope there.

Q. How long had Sanger lived in Girardville ?

A. He came to Girardville about 1870.

Q. When did he go to Heaton's place ?

A. I suppose in the neighborhood of 1874, or about that time.

Q. Do you know what time in 1874 ?

A. No, sir ; I do not know whether it was in 1874, but that is as near as I can come to it.

Q. He succeeded Daly, did he not ?

A. That is more than I know.

Q. Do you know that Daly was boss at Raven Run ?

A. Yes, sir ; but I do not know whether he came into the same place that Daly was. Daly was a boss there, I

know that, and Sanger got to be a boss there, but I do not know who Sanger succeeded.

Q. When did Sanger leave Girardville to go to Raven Run?

A. I do not know.

Q. He left Girardville to go to Raven Run to live?

A. Yes, sir.

Q. Was it his first time bossing?

A. I do not know.

Q. Was it in the spring or fall?

A. I cannot tell.

Q. You can not tell the year?

A. No, sir.

PATRICK NEARY sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Where are you living?

Answer. Up in the place they call Deansville.

Q. State whether it is the same place known as Dean's Patch?

A. Yes, sir.

Q. How old are you?

A. To the best of my opinion, I am between forty and forty-five years of age, and that is as near as I can go to it.

Q. How long have you been living in this country?

A. To the best of my knowledge, I came to this country in the year 1852.

A. How long after you came to this country did you come to Schuylkill county?

A. I first came to New York, and I went to the State of Massachusetts, and I was there about a year and seven months.

Q. Where did you go then?

A. I got a letter from an uncle of mine who was living up in Wadesville named Maloney and I came up to him.

Q. Have you lived here ever since?

A. No, sir; at the time of the war I moved from Schuylkill county to Luzerne, and then moved back to Northumberland county and remained there six years. I lived six years in Northumberland after coming from Luzerne, and I moved to Columbia county and remained there six or seven months and came to Schuylkill county.

Q. Did you join the Ancient Order of Hibernians in Schuylkill county?

A. Yes; in Dean's Patch.

Q. Who was the body-master?

A. Dennis Donnelly.

Q. About what year did you join the order?

A. I think I joined the order, to the best of my knowledge, three years now—it may be a little more—I cannot tell exactly, but I think it was in 1874.

Q. Who became the body-master after Dennis Donnelly?

A. Patrick Butler.

Q. Did you hold any office in the order?

A. Yes, sir. When I joined the order they appointed me treasurer. I refused to take it because I could not keep any books, and because I could not read or write; but they could not depend upon anybody else but me.

Q. They picked you out as an honest man for treasurer?

A. Yes, sir.

Q. You were treasurer how long?

A. I think about a year or something about that,—it may be a little over a year.

Q. Were you treasurer until after the Mollics were arrested, or to that time?

A. No. It was some time in the year that I gave it up.

Q. Who was the secretary of your division while you were treasurer?

A. James Munley.

Q. Do you recollect the day Sanger was killed ?

A. Yes, sir.

Q. State whether or not on the night before Sanger was killed you gave any money of the order to anybody, and if so, how much ?

Defendant's counsel ask for an offer.

MR. KAERCHER, on behalf of the Commonwealth, then made a written offer as follows :—

"The Commonwealth propose to prove by the witness Patrick Neary, that he was, in August and September, 1875, the treasurer of the Raven Run division of the Mollie Maguires; that on the evening prior to the murder of Thomas Sanger, James Munley, secretary of the division, came to witness and had a note with him, and asked for five (5) dollars for it, and said it was an order; witness asked Munley what it was for, and he said some friends of his had come, and that they were over in Tony Munley's basement, and that Munley was too poor to treat them; witness gave James Munley the money and received the order; when the term of witness expired, he at a meeting of the division returned the order with the accounts; the matter of the order and payment of the money was approved by the division. This is offered for the purpose of showing that the murder of Sanger was a conspiracy which originated with and was carried out by the Mollie Maguire organization."

Defendant's counsel object in writing as follows :—

"1st. The offer is too broad and unintelligible, in that it does not show the character of the note referred to.

"2d. The offer does not propose to put the said note in evidence.

"3d. The offer does not propose to connect the note with the prisoner in any way, either as an individual nor as a member of the Mollie Maguire organization.

" 4th. The acts of the organization after the commission of the crime, to wit, the approval of said order and the payment of the money, are not evidence against the defendant.

" 5th. That any conversation between James Munley and witness relative to this note does not affect this defendant.

" 6th. That the proof of the offer will not establish the purpose alleged.

" 7th. That the whole offer is immaterial and irrelevant.

" 8th. That the offer does not propose to prove that the persons who were at Anthony Munley's, and for whom James Munley received the money, were the parties who murdered Sanger."

THE COURT:—We entertain great doubts about this offer, and will withhold it for the present; it will be taken up and decided in the morning.

(No cross-examination.)

MARTIN CALAHAN sworn on behalf of the Commonwealth.

Direct examination by Mr Kaercher.

Question. Where do you live?

Answer. I live in Mahanoy City.

Q. State whether you knew Thomas Munley, James McAllister, James O'Donnell and Charles O'Donnell?

A. Yes, sir.

Q. Did you know them in 1875?

A. Yes, sir.

Q. Where were you living on the 1st of September, 1875?

A. In the borough of Gilberton.

MR. KAERCHER then prepared a written offer, as follows :—

“The Commonwealth propose to prove by Martin Calahan, the witness, that on the day of the murder of Thomas Sanger, about two o'clock, five men, of whom Thomas Munley, James McAllister and James O'Donnell were three, came into the bar-room of the witness in Gilberton; that between the 1st of September and the tenth day of December, 1875, Donnelly, the prisoner, one John Rusk and others from Raven Run, came to the house of witness; Donnelly asked where Thomas Munley lived; that witness went with Donnelly and the party to Munley's house; the party told Munley that they wanted him out; about nine o'clock the same evening, the party from Raven Run returned with a number from Wiggan's Patch, including James O'Donnell, Charles O'Donnell, James McAllister and Thomas Munley; the Wiggan's Patch crowd blamed the Raven Run party because they had let a certain man Quinn go without a beating; some one in the Raven Run remarked to the Wiggan's Patch party, “now you ought to be satisfied, this is enough for what you did for us.” This is offered for the purpose of showing the motive of McAllister, the O'Donnells, Doyle and Munley in killing Sanger, and for the further purpose of showing the acts and deeds of the prisoner, done in pursuance of the conspiracy to kill Sanger; also, for the purpose of showing that Munley, McAllister and O'Donnell, three of the alleged murderers, were together on the day of the murder.”

Defendant's counsel objected to the offer in writing, as follows :—

“*First.*—Because it is too indefinite as to time.

“*Second.*—The offer is not evidence to prove the motive of Donnelly for the killing of Sanger.

"*Third.*—That the offer is to show a distinct crime which has no connection with the murder of Sanger.

"*Fourth.*—That the declarations offered to be proven are too indefinite and vague.

"*Fifth.*—The defendant does not object to the evidence that Munley, the O'Donnells and McAllister were together on the day of the murder."

The Court reserved their decision.

Adjourned to 9 A. M.

E. D. YORK,
Official Stenographer.

THURSDAY, NOVEMBER 22D, 1877.

Morning Session.

Court opened at 9 A. M.

THE COURT:—With reference to the offer made yesterday, in testimony of Patrick Neary, decision of which was reserved, we think it would be an inference that the men referred to in that offer were the same men that were at Tony Munley's the night before, and do not think it would be a necessary inference; therefore, throwing whatever doubts we have always in favor of the prisoner, we will overrule that offer. Judge Walker happened to be present yesterday, and he states that he concurs in the ruling, and that strengthens our impression of it.

THE COURT:—With regard to the last offer submitted yesterday afternoon, in the testimony of Martin Calahan, we say that there is a part of the offer which is undoubtedly evidence, but we have doubt that the jury from the balance of the offer could draw the inference that is sought to be drawn from what is here stated.

MR. KAERCHER:—If your Honor entertained any doubt as to this second offer we will withdraw it.

(Written offer No. 4 withdrawn by the permission of the court.)

JOHN S. SNYDER sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Were you deputy sheriff in January, 1875?

Answer. Yes, sir.

Q. Had you charge of a writ of *habeas corpus* against John Gaughan?

(Objected to.)

MR. KAERCHER:—It is to prove the date and time when Gaughan was rejected from his house.

MR. WHITEHOUSE:—Defendant's counsel object that it is irrelevant and immaterial.

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. It was a suit of Heaton & Company against him?

A. Yes, sir.

Q. When did you put him out of his house?

A. On the 26th of January, 1875.

Q. Where was his house?

A. In Heaton's Patch, in Raven Run.

(No cross-examination.)

MR. KAERCHER:—The Commonwealth offer in evidence

the record of the conviction of Patrick Shaw, number 36, January sessions, 1875 ; conviction on the 7th of January, 1875, of assault and battery with intent to kill, upon the oath of Patrick Reilly. The object of the testimony is to show the date of the conviction of the offense of which Patrick Shaw was guilty. In connection with that, we offer the recognizance return to the court in the case just stated, for the purpose of showing the day when the warrant was issued, and the day when the arrest was made, and to fix the time of the trial.

MR. GARRETT:—Defendant's counsel object that the date of the warrant does not fix the date of the commission of the crime, and therefore the offer is immaterial and irrelevant.

THE COURT:—The record of his conviction would not fix the date of the commission of the offense, probably.

MR. KAERCHER:—But we could not offer a part of the record. If it is objected to we will send for the justice of the peace and have him here.

THE COURT:—We will overrule the offer.

DENNIS F. CANNING called.

The defendant's counsel objected to the competency of the witness, and offer the record of the Commonwealth *vs.* John Kehoe, Christopher Donnelly, Dennis F. Canning and others, August session, 1876, assault and battery with intent to kill, to show his conviction August 12th, 1876 ; his sentence October 16th, 1876, to undergo imprisonment in the Schuylkill county prison for the period of seven years, &c.

Also, the record of the Commonwealth *vs.* John Kehoe, Christopher Donnelly, Dennis F. Canning and others, August session, 1876, under charge of conspiracy to murder William Major and Jesse Major, and his conviction August 16th, 1876 ; sentenced by the court, October

16th, 1876, to pay fine of six cents, costs of prosecution, and undergo imprisonment in Schuylkill county prison for a period of seven years. We offer the entire record in both cases.

MR. KAERCHER (producing paper):—One of these offenses was a felony of which this defendant was convicted; we now produce a pardon by the Governor of the Commonwealth of Pennsylvania, dated 13th November, 1877. (Pardon read of the conviction on the 16th of October, 1876, of an assault and battery with intent to kill, under the signature of the Governor, with the seal of the State of Pennsylvania.)

MR. GARRETT:—It has no effect, as the prisoner has not yet accepted it.

MR. KAERCHER (handing pardon to witness):—Do you accept the pardon?

THE WITNESS:—I do; and I accept the pardon, and did several days ago.

MR. L'VELLE:—We object to the validity of the pardon, on the ground that the pardon has been obtained through fraud. (Cited 2 American Law Register, 474.)

Defendant's counsel presented a written objection, as follows:—

“The prisoner now objects to the pardon of Dennis F. Canning being offered in evidence to establish his competency. *First*.—Because the pardon does not show upon its face the grounds upon which it was obtained. *Second*.—Because the pardon was obtained by means not warranted by the law, and unfair to this defendant. *Third*.—Because the pardon was not granted on the grounds that the ends of justice were already satisfied, but solely for the purpose of convicting Dennis Donnelly. *Fourth*.—That the pardon was recommended by the Honorable Cyrus L. Pershing, president judge of the courts of Schuylkill county, now presiding over this trial, and that in such recommendation he virtually passed upon the competency and materiality

of the witness ; and the prisoner now objects to this court deciding the competency of the same witness again, or of the validity of the pardon which was granted by and through their recommendation."

MR. KAERCHER, on behalf of the Commonwealth, submitted the following in writing:—

"In the matter of the objection to the competency of Dennis F. Canning as a witness, the Commonwealth aver that the objections filed do not constitute any valid reason against his being sworn as a witness in this case, and as to the matters of fact averred in the said objection, the Commonwealth aver that they are not true in point of fact."

THE COURT:—We do not feel disposed to go into a collateral issue and necessitate, perhaps, the bringing of members of the Board of Pardons here and keep the court occupied for a month. We think, until we have further light from a superior court, although the Commonwealth has notified us they are willing to go into this evidence, yet we are not willing, therefore we will not indulge the Commonwealth ; we do not think the pardon can be attacked in this way (cited and read from 8 Wright, 218) ; we think this question cannot be raised here, as the Supreme Court say it would be very indecent for any person to raise it except the Attorney-General, and we will not allow either side to go into this collateral matter.

(Objection overruled. Exception taken by defendant. Bill sealed.

C. L. PERSHING. [SEAL]

THE COURT:—We think that the witness is competent, but all these facts may go to his credibility.

Witness sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. What is your full name ?

Answer. Dennis F. Canning.

Q. Where were you residing in the year 1875?

A. In Locust Gap, Northumberland county.

Q. Were you a member of the Ancient Order of Hibernians?

A. Yes, sir.

Q. When did you become a member?

A. In 1870, I think

MR. KAERCHER then made the following written offer:—

“The Commonwealth propose to prove by the witness upon the stand, Dennis F. Canning, that on the 1st of June, 1875, John Kehoe, county delegate of the Mollie Maguire organization of Schuylkill county, applied to the witness, as county delegate of the Mollie Maguire organization of Northumberland county, to furnish men to Dennis Donnelly to murder Thomas Sanger; that subsequently to the murder of Sanger the defendant Donnelly confessed to the witness that he with others had procured the men to murder Sanger; that the murderers had been at his (Donnelly's) house on the night before the murder, and that he had seen the men on the morning of the murder and had passed them as if he did not know them. This is offered, first, for the purpose of establishing the conspiracy under and through the Mollie Maguire organization to murder Thomas Sanger; and, second, for the purpose of proving the acts and declarations of the defendant in relation to the said murder.”

(The above offer was not objected to.)

Q. You stated you joined the order in 1870?

A. Yes; in Locust Gap.

Q. What division did you join?

A. No. 1, of Northumberland county, at Locust Gap.

Q. Who was body-master immediately prior to your joining, or at the time?

A. Patrick Smith.

Q. Was it known by any other name than No. 1?

A. That is all.

Q. Where was the headquarters of the division ?

A. They held their meetings at Patrick Hester's, at Locust Gap Junction.

Q. Who succeeded Patrick Smith as the body-master of that division ?

A. I do not know ; I was not there when the office expired.

Q. Did you ever become body-master of that division ?

A. Yes, sir. In 1874.

Q. Who was the county delegate all that time in Northumberland county ?

A. Patrick Hester.

Q. When did you become body-master of the division ?

A. In 1874 ; about the month of March or April. I could not say.

Q. State how long you continued body-master of that division ?

A. About three months.

Q. Did you acquire any other position after that ?

A. County delegate of Northumberland county.

Q. How long did you continue county delegate of the Ancient Order in Northumberland county ?

A. Up to the time of my arrest, 6th May, 1876.

Q. State whether you were ever called to attend any meeting of the order in Schuylkill county ?

A. Yes ; on the 1st of June, 1875.

Q. State by what means you were notified to attend ?

A. I received a telegram on May 31st from John Kehoe, to meet him next day at Mahanoy City, at ten o'clock, A. M.

Q. He was county delegate of Schuylkill county ?

A. Yes, sir.

Q. Did you attend at Mahanoy City ?

A. Yes, sir.

Q. Did you see John Kehoe there ?

A. Yes, sir.

Q. Where did you meet him ?

A. I met him at Girardville.

Q. Where did you go from there ?

A. To Mahanoy City.

Q. Was there a meeting of the Ancient Order held that day.

A. Yes, sir

Q. Where was it held ?

A. At Mr. Clark's.

Q. What was his first name ?

A. I do not know.

Q. Who were present at that meeting ?

A. John Kehoe, Christopher Donnelly, Mike O'Brien and McHugh, and James McParlan, James Roarity, James Donahue, and I think William Gavin and myself.

Q. State what position Gavin held ?

A. He was county secretary, I believe, at that time, of Schuylkill county.

Q. And Jack Kehoe was the county delegate of Schuylkill county, and you were the county delegate of Northumberland county ?

A. Yes, sir.

Q. You spoke of James McParlan ?

A. Yes ; he was known as James McKenna there then.

Q. Were all the members present body-masters of the Ancient Order ?

A. I understood that Mike O'Brien and Jack Donahue was, and Chris. Donnelly was secretary of the county, so far as I understood.

(Objected to.)

MR. KAERCHER:—It is to show an assemblage of the order upon that day.

(Defendant's counsel objected.)

Q. Did you have any conversation with John Kehoe upon that day ?

A. Yes, sir.

MR. L'VELLE:—Defendant's counsel object to any

conversation with John Kehoe not in the presence of this prisoner.

THE COURT:—It is contained in the offer.

Q. State whether you had a conversation with Kehoe upon that day?

A. Yes. After the adjournment of the meeting, I asked John Kehoe what he had sent for me for, and was it merely to come to the meeting, and he said "Yes;" he said he wanted some men off from me, and there was a man they wanted men to shoot; and I said he could not have men; and he said, being as I had nothing to do with the other cases,—the case of Majors and Thomas,—that he wanted me to send men and good men, and to the best of my opinion he meant I was to send them to Dennis Donnelly, and the man to be shot was Sanger; and I told him I did not know how he could allow it to be done; and he told me that I had not the same kind of men to deal with as he had in Schuylkill county. I said to him that I had as bad and worse, and there was as bad feeling in Northumberland county as in Schuylkill, and it would be as bad now if I allowed it.

Q. This was on what day?

A. On the 1st of June.

Q. He stated you were to send those men because you were to have nothing to do with the other cases?

A. Yes, sir.

Q. With the case of—

A. William M. Thomas, and William and Jesse Major.

Q. The men you were to send were to be sent to Dennis Donnelly?

A. To the best of my opinion.

Q. Did you ever have a conversation with Dennis Donnelly after the murder of Sanger, in regard to the murder of Sanger?

A. Yes, sir.

Q. When was that conversation?

A. About the middle of October, 1875.

Q. Whereabouts did it occur?

A. In Patrick Hester's, at Locust Gap Junction.

Q. Who was present?

A. There was a raffle there, and Tom Donahue and William Calahan of Mahanoy Plane was in, and Donnelly was there.

Q. Donnelly was there with the other two that you have named?

A. The three came there together, so far as I understand.

Q. In this conversation that you had with him at Hester's, in October, 1875, tell us what he said in regard to the murder of Sanger?

A. He asked me if I heard about the murder of Sanger, and I said "yes," and I asked him how they shot U'ren, and he said he was shot in mistake; that they came to shoot one and shot two. He said that they had been there to his place that night but he could not keep them, and he got them something to eat and drink; he had seen them that night anyway, and he got them something to eat and I think something to drink too, and the next morning he did not let on to recognize them, and he said then he allowed they had put one out of the way; he said, "we put one out of the way."

Q. Did he say "we"?

A. He used the word "we"; "we put one out of the way, and we have got another as bad if not worse." I asked him if that was the man that was in Sanger's place, and he said, no; his name was Heaton, and he allowed he was part owner, and he wanted me to send men to shoot Heaton, and he would send men to shoot this man, and I said I had no men.

(Objected to.)

THE COURT:—The whole of it can be given where a part is introduced.

Q. Was it on this same time?

A. The same conversation.

Q. Then tell us the whole conversation ?

(Objected to.)

THE COURT:—The whole conversation at that time must be given.

(Exceptions taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

A. I asked him whether he referred to Frank Urmhard, and he said "yes." I said that Frank was a good man and I would allow no man to shoot him. He said that I should send some men to shoot Heaton. I said that was no place to talk about it, and I would be over in a few days and see about it. Then the conversation ended and I have not seen him until I saw him in jail.

Q. Did he say, "we put one out of the way," and that he had another, and then mentioned Heaton ?

A. Yes, sir.

Q. Did he make any remark about Heaton ?

A. He said that he had shot at the boys that morning they shot Sanger, and that he was down on the order.

Cross-examination by Mr. L'Velle.

Q. How old are you ?

A. Twenty-seven the eighth day of October last. I was born in Ireland in 1850.

Q. What part of Ireland ?

A. In the province of Ulster, county of Donegal.

Q. What part of Donegal ?

A. About the centre ; nine miles from the town of Donegal.

Q. How long have you been in this country ?

A. About fourteen years the first of last July—about.

Q. Was Schuylkill county your first place ?

A. Yes, sir ; my first place.

Q. How long did you live there ?

A. About three years.

Q. And then you removed to Northumberland county ?

A. No, sir ; I joined the army from Schuylkill county.

Q. When did you go to Northumberland county ?

A. Sometime in 1869. I come back from the West in 1869 to Northumberland county.

Q. When was the order of Mollie Maguires introduced into Northumberland county ?

A. I do not know anything about it.

Q. How many years anterior to your joining it ?

A. I do not know.

Q. Who was your predecessor as body-master ?

A. Pat Rafferty.

Q. Was it not Pat Smith ?

A. No, sir.

Q. When was Smith body-master ?

A. In 1870, if I recollect.

Q. Did Rafferty succeed Smith ?

A. I don't know ; I left before Smith's term of office expired.

Q. It was in 1870 ?

A. Yes, sir.

Q. Where did you go to ?

A. I went up to Luzerne county ; he had been in the office a couple of years. I was in Luzerne county seven months.

Q. You had joined the order before you went to Luzerne county ?

A. I made a mistake ; Ned. Skivington was the division-master, and Smith came after him ; division-master is the proper name.

Q. Skivington was the immediate predecessor of Smith ?

A. He was the body-master when I joined the order.

Q. Who was the body-master before you were the body-master ?

A. Pat Rafferty.

Q. Did Skivington initiate you ?

A. Yes, sir ; in the fall of 1870.

Q. In October ?

A. I do not know what month ?

Q. Where were you initiated ?

A. At Patrick Hester's.

Q. Was that the headquarters ?

A. Yes, sir.

Q. They had their meetings there ?

A. Yes, sir.

Q. Regular meetings ?

A. Yes ; the regular meetings were monthly, and special meetings through the month sometimes, if necessary.

Q. Were the special meetings called at the instance of the body-master ?

A. Of the officers of the division.

Q. He had the privilege and power of calling the division together ?

A. Yes, sir.

Q. Or calling certain of the members together ?

A. He had the privilege of calling the meetings, or a meeting of the officers ; he would call the committee meetings.

Q. And he was the party that received all the official communications from the other divisions ?

A. No ; the county secretary or delegate received all official communications from the other divisions, or he was supposed to.

Q. How many divisions were there in Northumberland county ?

A. Only two ; the other was at Shamokin.

Q. Who was the division-master there ?

A. Peter McManus.

Q. Was he body-master when you were ?

A. Yes, sir.

Q. You remained body-master from the fall of 1870 how long ?

A. I was not body-master at all, in 1870 ; but I was body-master in 1874, in the spring—March or April.

Q. You continued to be body-master until you were arrested ?

A. No, sir ; a few months.

Q. What is the difference between county delegate and body-master ?

A. The body-master or division-master has charge of the division only, but the county delegate has charge of all the divisions in the county ; he rules the county.

Q. You had only two divisions ?

A. That is all.

Q. You had to represent these divisions in conventions of the order ?

A. Yes ; and see what was done was done right.

Q. Was it as such county delegate that you attended the meeting in Mahanoy City ?

A. Yes ; I was county delegate at the time, and attended it as county delegate.

Q. Who notified you to attend the meeting ?

A. John Kehoe.

Q. Did he have any more authority to notify you than you had to notify him to come to Northumberland county ?

A. No, sir ; not any more.

Q. Did he have any authority to compel your attendance in Mahanoy City ?

A. No, sir ; not any ; he had not.

Q. It was merely a voluntary act of your own ?

A. Yes ; I went there and did not know what I was going for.

Q. You did not know what you went to Mahanoy City for ?

A. No, sir.

Q. Did you not know you were upon no very good business ?

A. I knew nothing about it.

Q. Did you ever attend an order meeting in Schuylkill county before?

A. No, sir; never in my life.

Q. And you were body-master from 1874 up to the time you were elected county delegate, and then you were county delegate until you were arrested?

A. I do not understand. I was body-master about three months, and that was in 1874.

Q. When did your term expire?

A. I was elected before my term expired as county delegate, in 1874, again, sometime in the summer of 1874. I cannot say the month.

Q. And you continued from 1874, how long?

A. Until I was arrested in 1876, on the 6th of May.

Q. Did you ever attend any other meeting in Schuylkill county of the Mollie Maguires?

A. I was never at a meeting in Schuylkill county before the 1st of June in my life.

Q. The character of the organization of Mollie Maguires was criminal and bad; was it not?

A. The Mollie Maguires I had nothing to do with. I have nothing to say about Mollie Maguires.

Q. Do you say you were not county delegate of the Mollie Maguires?

A. Yes, I do; I was county delegate of the Ancient Order, and of nothing else. I joined it as that order.

Q. Do you swear that they were not the one and the same thing—that is, the Mollie Maguires and the Ancient Order of Hibernians?

A. I cannot tell what they were previous to my election.

Q. While you were connected with the organization?

A. I never saw any difference in them. I always called them one and the same thing.

Q. Did you not know that the Mollie Maguires is a murderous organization, or criminal one?

A. I never looked on the organization as Mollie Maguires.

Q. I thought you told us they were one and the same thing?

A. I never knew but one and the same, and that is the Ancient Order; if there were Mollie Maguires connected with it I know nothing about it.

Q. Are you not aware that they were every one known as Mollie Maguires?

A. No, sir; I am not aware of it.

Q. The Ancient Order, as you believed it to be and as you knew it to be, was not a criminal organization, then?

A. They have proved themselves so.

Q. Were they not while you were connected with them?

A. Yes; they were criminal.

Q. Then there is no difference between the Mollie Maguires and the Ancient Order so far as the purpose of the organization, to wit, crime, was concerned?

A. I do not know anything about that question. I know that the organization has committed crime. I admit it, but so far as the Mollie Maguires are concerned I have nothing to do with them. The Ancient Order has committed crime, and if they are put down as Mollie Maguires that has nothing to do with it.

Q. Do you say that you were not from the day of your initiation a full-fledged Mollie Maguire?

A. No, sir; I was not. I was never a Mollie Maguire, to my knowledge, in my life.

Q. Was it as an Ancient Order man you went to Mahanoy City?

A. Yes, sir.

Q. Was it as an Ancient Order man you entered into the conspiracy to kill William M. Thomas?

A. I never entered into a conspiracy to kill Thomas.

Q. Were you not there at the convention?

A. Yes, sir.

Q. And are you not convicted of that crime?

A. Yes, sir.

Q. And undergoing sentence?

A. Yes, sir.

Q. You say you are an innocent man of that charge?

A. Yes, sir.

Q. You are suffering a term of seven years in that prison?

A. Yes; and you helped to do it, to the best of my knowledge.

Q. Did you also assist in the conspiracy to kill the two Majors?

A. No, sir.

Q. And you were also convicted of that charge, were you not?

A. Yes, sir.

Q. And of which you are now pardoned?

A. I do not know which I am pardoned of. I am pardoned of the assault and battery on William M. Thomas. I think that is what my pardon called for.

Q. Did you not know you were pardoned of that offense before you saw it this morning?

A. Yes, sir.

Q. When did you see it?

A. Last Wednesday morning was the first I was informed of my pardon being recommended, and then I was told by Mr. Garrett.

Q. When were you first spoken to, or first promised your liberty of this charge?

A. Never, sir.

Q. Were you never approached and promised if you would go upon the stand and testify against Donnelly you would be pardoned?

A. No, sir; never. I was never told anything of the kind.

Q. Did you have a conversation with Dennis Donnelly in prison?

- A. Yes, sir.
- Q. Which cell did you occupy?
- A. Cell seven I sleep in, and thirty-two I work in.
- Q. What cell was Donnelly in?
- A. Thirty-one, I believe.
- Q. And you worked in cell thirty-two?
- A. Yes; right opposite.
- Q. When did you visit Donnelly in his cell?
- A. I could not exactly the date. I think last Saturday a week was the first time I was in his cell.
- Q. The first time since you have been in prison?
- A. Yes, sir.
- Q. Did you have any conversation with him?
- A. Yes, sir.
- Q. Quite an extended conversation?
- A. Yes, sir.
- Q. What brought you into his cell?
- A. I was sent there to work by the keeper; by Mike the weaver.
- Q. When was it?
- A. I have told you last Saturday a week, I believe.
- Q. Are you sure it was last Saturday one week ago?
- A. I think so—Saturday a week or two weeks.
- Q. Was it not two weeks ago last Saturday?
- A. It might be; I am not positive.
- Q. Was it three weeks ago last Saturday?
- A. I do not think it was.
- Q. Was it not before the election?
- A. I think not.
- Q. Will you swear it was not?
- A. I will not, for I am not positive.
- Q. Was it three weeks ago last Saturday?
- A. I could not tell you.
- Q. Was it two weeks last Saturday?
- A. I believe it was; it might have been; I do not know.

Q. Was it not before you got your pardon ?

A. Yes, sir.

Q. A couple of weeks before you got your pardon ?

A. I could not tell you any nearer than I have told you.

Q. When did you get your pardon ?

A. I did not see my pardon until yesterday for the first time.

Q. Then it was read to you ?

A. It was given to me and I read it myself.

Q. Who by ?

A. By the warden, Mr. Beverly.

Q. What were you working at ?

A. Weaving.

Q. You were sent to weave with Donnelly ?

A. Yes ; I was out of work.

Q. Does it take two to run a loom ?

A. No, sir.

Q. What was Donnelly doing ?

A. He was resting while I was working.

Q. He was playing ?

A. Yes, sir.

Q. State whether or not it was in pursuance of an understanding between you and certain other parties, and in consideration of the promise that you were to be pardoned, that you went in to convict that man in that prison ?

A. No, sir ; I knew nothing about being put into that man's cell, and nobody asked me until I was brought there on Saturday morning. I had been idle from the Wednesday previous, and the door opened and I was told to go there and work. I was sent for a short time, and on Monday for a short time, and I was called off. Mike sent me in both times. And then I was taken and put into another cell with Neil Dougherty. I think number twenty-eight.

Q. How many looms have they in the prison ?

A. Eighteen or twenty.

Q. Are the looms in prison operated by Mollie Maguire?

A. I do not know who they are operated by.

Q. Do you know what Neil Dougherty was convicted of?

A. Yes; I believe so.

Q. Did you know that Dennis Donnelly was charged with the murder of Sanger at the time you went in?

A. Yes; I did.

Q. Had you then made up your mind to go upon the witness-stand against Donnelly?

A. Yes; if I was asked.

Q. When did you first make up your mind to go upon the witness-stand?

A. I do not know exactly. I think it was the 5th of May that I gave my statement to Captain Linden.

Q. How did he know that you proposed to give that statement?

A. He had been with me several times previous to that. He asked me if I would give him a statement; he asked me in the name of God, and I did so.

Q. Tell us when you had the first conversation with Captain Linden about Dennis Donnelly?

A. I could not tell you exactly.

Q. Was it last year?

A. No; I believe it was this year.

Q. Tell us what time this year?

A. I could not say.

Q. Was it January?

A. I could not tell you what month.

Q. Or in February?

A. I told you I did not know.

Q. You read and write?

A. Yes, sir.

Q. Did you keep a diary?

A. No, sir; not of that kind.

Q. How often did Linden come to see you?

A. I do not know.

Q. Twenty times ?

A. It was several times.

Q. Thirty times ?

A. No, sir.

Q. How many times did he come to your cell ?

A. Perhaps half a dozen times, more or less.

Q. Was it not twenty times ?

A. I think not.

Q. Or fifteen times ?

A. I think not.

Q. Was it ten times ?

A. He may.

Q. Or he might twelve times ?

A. I do not know, indeed.

Q. Did you know that Captain Linden was a detective ?

A. Yes, sir.

Q. Did you ever invite him to come to your cell ?

A. Yes, sir.

Q. Who was your messenger ?

A. Any message I sent I sent through the jail, and the regular authorities of the jail.

Q. Who was it ?

A. The keepers of the jail—through Beyerle and Innis, and the boss weaver.

Q. Then you sent all the communications between yourself and Captain Linden through the regularly constituted authorities of the prison ?

A. Yes, sir.

Q. Did you send by word of mouth or letter ?

A. By note.

Q. Did you ever send a note by Mose Innis to Linden ?

A. I believe so.

Q. Do you swear that you did ?

A. Yes, sir,

Q. When ?

A. I do not know when.

Q. What was the purport of it?

A. That he should come in; that I wanted to see him.

Q. You do not know when it was?

A. No, sir.

Q. How many notes did you send by Innis?

A. I do not know. It was sealed.

Q. Before you gave it to him?

A. I think so.

Q. Where did you get the paper?

A. I bought it.

Q. Were you not furnished paper?

A. Only a sheet a month, to write to me.

Q. And you sealed your envelopes to Linden?

A. Yes; in an envelope, and I sealed it.

Q. You do not know whether the prison authorities read your communications or not?

A. No, sir; I do not know anything about it.

Q. You dropped a remark a few moments ago that I want you to explain. When I asked you whether or not you had been convicted of two charges—one for assault and battery with intent to kill, and the other for a conspiracy to kill—you said I assisted to put you there. Explain that to the court and jury.

A. I said to the best of my knowledge; and I shall explain it, too. By doing so, I have to give an explanation of the whole case.

Q. No, sir; come down to the point.

A. The first time I saw you, before my trial came on, was in the office in the jail with Judge Ryan, who had been brought there to hear our case, and have a consultation and see what was best to be done. The rest of the prisoners had given a false statement, and were supposed to go on the stand and swear to that statement. I refused to do so, and stated I would not go upon the stand to swear a lie for no man—to save them or myself. Then

you turned upon me rather sharp and asked me what I knew about the case, and I said, "I know all about it;" and you gave me to understand that I should say no more.

Q. Was it in the presence of Judge Ryan?

A. Yes, sir. Then, after that, in this court-house here, in this back room, you and Ryan and Garrett held another consultation, when I was asked for a true statement, and I did give it, and the only true one that had been given that I know; and that showed I was not guilty, and those men acknowledged it, and Garrett asked me to go upon the stand, and you turned around, and Jack Kehoe said no, he would not go upon the stand, as they might make remarks upon it; and you turned around and said they should not go upon the stand; but my case was an exception, and you would fix it all right with the judges. Then Garrett said was it right to sacrifice me, and I said I did not think you understood my case right, and I think he made an answer that you did not want to understand it. And then, in this court-house, here in this court-room, you came to me again, and told me that you were afraid Garrett would put me upon the stand, and I said I did not want to go upon the stand until all was over and sentence was passed, so it could not be said it was to clear myself or injure the others; and you told me that I should not; that if I did, I would be called a squealer anyhow. That is about the whole of it.

Q. And that is the whole charge against myself?

A. Yes, sir.

Q. Did you ever give me a cent to defend you?

A. No, sir; and did you expect it?

Q. Did you ever give me a cent to defend you?

A. No, sir.

Q. Under what fealty was I to you to defend you? To whom did you give your money?

A. To John Ryan.

Q. You never employed me?

A. No, sir.

Q. Was I your counsel?

A. You stated so. You stated so to this court, that you were the counsel for all.

Q. Do you not know I was counsel for Donnelly and O'Brien, and one or two others, and stated so to the court?

A. You stated you were counsel for all, to the best of my opinion.

Q. Do you swear to that?

A. To the best of my opinion.

Q. You never directly or indirectly gave any money to me to defend you individually?

A. I never employed you.

Q. But you gave it to Garrett and Ryan?

A. I gave it to John Ryan.

Q. Do you not know Garrett was paid since then?

A. Yes; I paid him since then.

Q. You said you told me in this court-room, and also in the presence of Judge Ryan, and in the presence of Garrett, what you have detailed before this court and jury?

A. About the same as that; it was something similar to that.

Q. In substance?

A. Yes, sir.

Q. That I first told you not to go upon the stand?

A. Yes; you told me not to make any statement.

Q. And that was the first I told you?

A. I do not know as that was the first; but you told me so right here, sitting at that table.

Q. Did I know you at the time that Judge Ryan had the interview with you?

A. Well, you had seen me before that.

Q. Where had I seen you?

A. In the office of the squire, and in the court-room.

Q. Did I see you to recognize you?

A. Not before that.

Q. I think you said you told everything you knew to Judge Ryan and myself in the presence of the others ?

A. Yes, sir.

Q. And the others told you that you should not squeal ?

A. No, sir ; they never spoke to me about squealing, and I did not intend to squeal at that time.

Q. You swear now you are innocent of these charges ?

A. Yes ; I swear so.

Q. And you swear that everything that was done there you participated in, did you not, in Mahanoy City ?

A. No, sir ; I did not swear to anything of the kind.

Q. Were you at the meeting in Mahanoy City ?

A. Yes, sir.

Q. That was an innocent amusement, was it not, to meet there and conspire to kill men, and you were innocent ?

A. Yes ; I was innocent.

Q. You would not go upon the stand and swear you were not in Mahanoy City upon that occasion ?

A. Certainly not ; I would acknowledge the truth and nothing but the truth.

Q. And that truth admitting this would be no offense, in your estimation ?

A. Yes ; I think I committed no offense, in my estimation.

Q. At that meeting in Mahanoy City there was young Frank McHugh ?

A. Yes, sir.

Q. He acted as secretary ?

A. I believe so.

Q. Were you all county delegates at that meeting ?

A. No, sir.

Q. Did Jack Kehoe send you a letter to come to Mahanoy City ?

A. No, sir ; it was a telegram.

Q. On the 1st of June you went to Mahanoy City ?

A. Yes, sir.

Q. Did the telegram instruct you where to go?

A. No, sir; it told me to meet him there. I met him in Girardville, and went to go to his house because I did not see what I wanted to Mahanoy City for.

Q. Michael O'Brien was at that meeting?

A. Yes, sir.

Q. And Jack Kehoe?

A. Yes, sir.

Q. And James Roarity?

A. Yes, sir.

Q. They did no more than to participate in the deliberations of that meeting, the same as yourself?

A. Yes; I will explain the meeting to you, if necessary. They offered to assassinate this man, and I refused to send men to do it.

Q. They wanted you to send men?

A. Yes; and I refused.

Q. And that was on the 1st of June, 1875?

A. Yes, sir.

Q. And did you not know then, if you did not before, of the terrible and criminal character of the organization?

A. Yes, sir; I knew they were committing criminal acts.

Q. You had been present at meetings before?

A. That was the first of the kind I ever sat at.

Q. You knew they committed crimes before, did you not?

A. I was aware of them committing crimes before that.

Q. When was the first time?

A. I could not say positively before that. I could not say positively of the organization committing any crimes never before that.

Q. You never heard of William M. Thomas or the Majors?

A. Never before.

Q. Did you know Dan Dougherty?

A. No, sir ; I did not know him before that day.

Q. He was introduced into the order ?

A. Yes, sir.

Q. He of course laid his tale before you ?

A. He stated those men had shot at him.

Q. Did he make his statement before you ?

A. I said he did.

Q. And he asked you to avenge the outrage upon him ?

A. I do not know whether he did or not ; all I know, he said he had been shot at, and that is all I know.

Q. Did he ask your assistance to avenge the outrage upon him ?

A. He did not.

Q. Did you then state as to the most feasible means you would take to put the Majors out of the way ?

A. No, sir ; I did not, but it was stated in my hearing.

Q. And you acquiesced in everything ?

A. I answered "yes," do you say ? No, sir ; I did not.

Q. You sat by ?

A. Yes, sir.

Q. How long did the meeting last ?

A. About an hour.

Q. Was this question of crime the first thing introduced into the meeting ?

A. No, sir ; the conspiracy was not formed until Dan Dougherty had left the room.

Q. You remained after he left ?

A. Yes, sir.

Q. If you were a good man, why did you not leave the organization as soon as this was introduced ?

A. I did not do it.

Q. Why did you not go to the authorities and tell them what an organization it was in this county ?

A. Schuylkill county had nothing to do with me, and I had nothing to do with it.

Q. Then it was not your business to prevent crime in Schuylkill county ?

A. No, sir ; I did not make it my business. I made it my business in my own county.

Q. You had been in the army ?

A. Yes, sir.

Q. And are a citizen of this country ?

A. Yes, sir.

Q. And yet crime was known to you, and contemplated crime known to you, and you never as much as opened your lips to inform the intended victims of the crime ?

A. I did not know them.

Q. Did you know anyone in authority in Schuylkill county ?

A. No, sir ; I think not.

Q. Did you not know you could confide your secrets to your priests ?

A. Yes, sir.

Q. And did you not know that they would have prevented the killing of these men whom you were conspiring to kill, and upon their lives too ?

A. Most likely.

Q. Do you not know that they would have done it ?

A. Yes, sir.

Q. Why did you not tell your priests of this intended crime ?

A. I did not think it was any of my business.

Q. Then you acknowledge yourself that you are not a good citizen in concealing what you knew to be a most terrible crime ?

A. I acknowledge I am guilty of secrecy, and that is all.

Q. And you acknowledge that you took part in fixing up this crime ?

A. No, sir ; I did not.

Q. Did you go into their meeting ?

A. Yes, sir.

Q. And did not Jack Kehoe talk to you, after the meeting dissolved, outside ?

A. Yes, sir.

Q. You were asked to send men to Mahanoy City?

A. Yes, sir.

Q. Was it not the subject that was first introduced into the meeting that day?

A. No, sir.

Q. What was the first subject?

A. They spoke about this case of the man shooting Dougherty. I was not asked for men the first thing.

Q. You heard of the Dougherty case before that day, did you not?

A. I heard of him being tried for murder, but I did not know of him being shot at.

Q. You knew he was a member of the organization?

A. I did not know anything about it until I saw him there that day.

Q. Is it one of the rules of the organization that you admit outsiders into your secrets or into your room during the deliberations?

A. No, sir; I did not know anything about it until that day.

Q. Then you recognized him as a member after that day?

A. I was introduced to him that day.

Q. You recognized him as a member?

A. Yes; I suppose so.

Q. Did you not know it from the fact that he was in the organization?

A. From the fact that I was introduced to him as a member, in the room where the meeting was held.

Q. When you were asked for men to murder these men, was it not your duty to go at once and inform the authorities of it?

A. It might have been, but I did not do it.

Q. You did not recognize it as a duty?

A. Yes; I suppose it was.

Q. You know 'Squire McLiese?

A. Yes, sir.

Q. You knew him to be one of the most reputable citizens in the county?

A. Yes, sir.

Q. Did you not tell him?

A. No, sir; I did not.

Q. How long did you stay there?

A. I left there on the two o'clock train.

Q. And then you went straight home?

A. Yes, sir.

Q. How long after you went home did you have a meeting?

A. I could not say; I guess the next monthly meeting about the 15th of the month.

Q. You called no special meeting between the regular meetings?

A. I do not believe there was.

Q. Tell us when your regular meetings were held?

A. Generally on the third Saturday of the month.

Q. You stopped in the meeting at Mahanoy City until it had transacted all of its business?

A. Yes, sir.

Q. That was about an hour?

A. About that.

Q. Were they not over two hours in session?

A. I could not say how long.

Q. Were they not in session until dinner-time?

A. I believe so; we had dinner soon after the meeting adjourned.

Q. Were they not in session until one o'clock that day?

A. I could not say.

Q. Was Dennis Donnelly there?

A. No, sir; he was not. I did not know the man at that time.

Q. When did you see him first to know him?

A. The evening he was at Patrick Hester's, at Locust Gap.

Q. At a raffle?

A. Yes, sir.

Q. And you all stayed in the room until the business was through?

A. I believe so; they all stayed there, and I stayed.

Q. And the only business transacted at that convention was the proposed killing of the two Majors and William M. Thomas?

A. That is about all.

Q. There was nothing said at that meeting about Mr. Sanger?

A. No, sir; nothing.

Q. Did you learn what his first name was?

A. No, sir.

Q. When did you learn what his first name was?

A. I heard his name that day. I believe I heard it on the day of the Mahanoy City meeting.

Q. And it was Jack Kehoe that told you of it?

A. Yes; he was the man. I think he spoke to me about it.

Q. The organization was not in the habit of sending men to perpetrate jobs for men not belonging to the order; they were not in the habit of letting men not in the order into their secrets?

A. No, sir.

Q. Did you not know that Dennis Donnelly was not a member of the order at that time?

A. No; at that time I did not. I have only his own words for it.

Q. Did you not know that he was expelled or suspended?

A. Not then, I did not. I think I heard so from himself.

Q. When did he tell you?

A. When I was in his cell. I never heard of it before.

Q. You were talking about the Mollie Maguire business in the cell?

A. Yes, sir.

Q. Of course you communicated with Captain Linden?

A. No, sir.

Q. Did you not communicate every word that Dennis Donnelly told you, and a great deal that he did not tell you, about the Mollie Maguires to the authorities, in consideration of getting that pardon?

A. What he said in the cell?—No, sir; I deny of speaking a word of what he told me in the cell to any man, and I told Dennis Donnelly that I wanted to hear nothing.

Q. You told him that?

A. Yes, sir.

Q. Was there any one present?

A. Himself; and he said that Butler had been sent to the jail to get information, and I told him I wanted to hear nothing. I made up my mind if he wanted to tell me anything, that I would not let him tell me,—that I would prevent him.

Q. Did you make up your mind that you would not tell it to the authorities?

A. Unless I was asked on the stand.

Q. Because it would add no more light to the information you had already given, is that the reason; because it would have given no additional information to the authorities than what you had already given?

A. No, sir; that was not the reason—because he had told me nothing.

Q. Did Pat Butler come to see you?

A. No, sir.

Q. Do you know the man?

A. I have seen him.

Q. While he was in prison?

A. Never saw him except upon the time of the trial until here to-day.

Q. Never had any conversation in prison with him?

A. No, sir.

Q. Did you hear of his great luck in his profession of a detective?

A. No, sir; I did not.

Q. Did you learn that he was in a very prominent position in the Reading Railroad Company's service?

A. No, sir; I did not know anything about it.

Q. Were you promised promotion?

A. No, sir.

Q. Nothing, except a pardon?

A. No, sir; that or nothing else.

Q. Do you swear here upon this witness-stand that the pardon was not promised you if you would squeal?

A. I do swear solemnly that no pardon was promised me to come upon this stand. I was asked to come upon the stand and I came out to clear myself of these charges which have been cast up, not in this county alone, but in Northumberland county too, by the Commonwealth.

Q. Do you say your acts and deeds in Mahanoy City were not criminal, and did not warrant your conviction and sentence?

A. No, sir; I do not believe they did.

Q. You swear you were an innocent child in all the transactions at Mahanoy City, and nothing should be done to you for it?

A. I could not answer you except I give you the case—I am not lawyer enough for that. I swear I never had anything to do with the offer to assist Schuylkill county to commit crime.

Q. You swore it was because you were innocent that you came upon the stand in this case to clear yourself before the world?

A. Yes; that is the consideration.

Q. And the Commonwealth said that they would give you an opportunity?

A. The Commonwealth has offered me nothing. I offered myself that if I was asked to go upon the stand I

would do so, and make a statement of the facts as they were, and if not, I would be satisfied to stay off.

Q. To give you an opportunity to clear yourself you would also get an opportunity to hang that man?

A. I do not want to hang the man.

Q. Were you not offered an opportunity and promised an opportunity?

A. No, sir; no opportunity positively in the world.

Q. Did you not offer to tell all you knew if they gave you a chance to come out before the world and tell what you knew?

A. No, sir; I did not.

Q. Will you please tell the court and jury what brought around your coming upon the witness-stand against Donnelly?

A. I shall tell you. I did not wish to lie down under this crime which I thought I had been innocent of, and which, and every other crime that has been cast on Northumberland county, and I would come upon the stand and say I was innocent of it, and that I had not any part in injuring a man in my life, or committing a crime the organization was accused of, except in Mahanoy City.

Q. Did you not tell of others, and inculcate others in crimes, and tell Linden before you told him of Donnelly?

A. I might.

Q. Did you not?

A. I do not know whether I did or not.

Q. Will you say you did not tell him of other crimes that other members had perpetrated?

A. No, sir; I will not. I might have told him of others before this.

Q. Do you not know that you told him of several crimes, and the guilty parties, before you told him about Dennis Donnelly?

A. I have told him of others.

Q. And before you told him of Dennis Donnelly?

A. I might; I believe so.

Q. Do you not know?

A. Not of the organization, to my knowledge.

Q. Outside of the organization?

A. Yes, sir.

Q. You had a guilty knowledge of these crimes?

A. Yes, sir.

Q. And knew all about them?

A. Yes, sir.

Q. And you never told Linden or any other person of the guilty knowledge you had of those crimes until seven years of your sentence was stricken off?

A. I do not understand that.

Q. Was seven years of your time stricken off?

A. Yes, sir.

Q. Do you realize the fact?

A. Yes, sir.

Q. Then it is a great reward?

A. It seems so.

Q. And it is a consideration for something?

A. I suppose so.

Q. Do you not know it is a consideration for your coming upon the stand and squealing against that man?

A. Most likely.

Q. Do you not know it.

A. It seems so now.

Q. Do you not know it was the consideration of squealing against that man?

A. I do not suppose they would pardon me unless for that purpose. I suppose they would not pardon me except for that purpose—that was after I got my pardon, and I did not know that before that.

Q. Were you not told that Mr. Hughes, and Gowen and the district attorney were going to get you pardoned?

A. No, sir.

Q. Then you know nothing of these gentlemen that got your pardon?

A. I know nothing about the gentlemen that got my pardon.

Q. Or how it was obtained?

A. No, sir; not anything about it.

Q. Were you promised a pardon to come upon the stand?

A. No, sir.

Q. But you did say if you could be a witness that you would come out here and testify against Donnelly and others too?

A. I offered and made a statement, but whether they would take me as a witness or not I did not know; or whether I was supposed to come on the stand or not.

Q. Did you not know that you could not be a witness?

A. No, sir?

Q. You knew you were convicted of an infamous crime?

A. Yes; I believe I was convicted of a crime.

Q. Were you not told you could not be a witness?

A. No, sir; I was not told I could not be a witness—to my knowledge.

Q. Then you were not told you could not be a witness until you were pardoned?

A. I know nothing about the pardon.

Q. When were you first told you could not be a witness?

A. I do not believe I was ever told that.

Q. When were you told you could be a witness?

A. After last Wednesday, when the pardon came here. I did not know anything about going on the stand before that.

Q. But you told Linden that you were then willing to go upon the stand, so far back as last May, or perhaps

prior to that time, and tell everything you knew about Donnelly and about others?

A. Yes, sir.

Q. Did not Linden tell you that you could not be a witness?

A. No, sir; he did not.

Q. Did he not tell you that you could not be a witness, but that if you would go upon the stand they would make you a witness?

A. No, sir.

Q. Why did you tell Linden about these criminals, and the crimes they had committed?

A. My reason was to clear myself and show to the public that I was not guilty of the crimes I was charged with. I did not expect anything. I did not know I was to go upon the stand before last Wednesday a week, I think.

Q. You said that Kehoe wanted you to send men; how many did he say?

A. He did not say.

Q. What kind of men?

A. Good men. "When you send men, send good men."

Q. How many men were you in the habit of sending?

A. I never sent any.

Q. How many did you receive?

A. I never sent or received any to commit a crime.

Q. You did not ever send bad men before?

A. I sent neither good nor bad.

Q. When he impressed upon you the necessity of sending good and not bad men, what did he mean?

A. I sent neither bad nor good men. I refused to send any.

Q. Did you tell him that Northumberland county would take care of itself?

A. No, sir; I said I did not see why he allowed such things to be done. He said that they could not get along

without it; and I asked him, "How do I get along without it?" and he said I did not have such men to deal with as he had in Schuylkill county; and I said I had worse, and that when I took charge of Northumberland county I had them to deal with. (Objected to.) This was in Mahanoy City. I am giving you my answer.

Q. You have given me more than an answer?

A. No, sir; I told him, when he said I had not the same kind of men he had, that I had as bad if not worse, and that in Northumberland county there was as bad feelings as there was in Schuylkill county, and would be to-day if I allowed it, or there would be now if I allowed it. This was in the meeting at Mahanoy City, or after the meeting, coming from Mahanoy City.

Q. It was not in the presence of McParlan in Mahanoy City?

A. No, sir; it was after the meeting adjourned.

Q. Were you not asked for men in the presence of McParlan and McHugh?

A. Yes; in the meeting I was, and my reply was, when I was asked, that I did not think it would pay for me to send men to Schuylkill county to do anything of the kind, and then I was asked again; I was told that was what I was sent for, and if I had any men in Northumberland county to depend upon to send them; and I said I could depend on Northumberland county to do what was right, but if Schuylkill county depended upon us to do such work, they could not depend upon us to do that. That was what I expressed at the meeting. McParlan was at the meeting, but I do not know whether he was in at the time.

Q. Was not the committee appointed and selected from that meeting that you attended to kill the Majors?

A. Yes, sir.

Q. Who were they that were appointed to kill the Majors?

A. John Donahue and Christopher Donnelly were supposed to be the men to attend to that job.

Q. What was Donnelly ?

A. Christopher Donnelly ? I think he was treasurer of the county.

Q. And he was to select the men ?

A. Him and John Donahue were supposed to get men for that purpose.

Q. You say Christopher ?

A. Yes ; not this defendant here.

Q. He is in prison now ?

A. Yes, sir.

Q. Where did he live ?

A. About Mount Laffee—here somewhere ; I do not know exactly where ; or near New Philadelphia, perhaps ; I could not say. I never saw him before that day.

Q. Who attended to the others ?

A. James McKenna, with the assistance of Mike O'Brien.

Q. Was the time fixed ?

A. No, sir ; there was no time specified, as I am aware of.

Q. But it was fixed to a certainty there, that these men were to be put out of the way ?

A. Yes ; that was the understanding, that these men were to be shot.

Q. And that fact was known to you ?

A. Yes, sir.

Q. And you did not tell those men ?

A. No, sir ; I never saw the men in my life.

Q. Did you know where they lived ?

A. No, sir.

Q. Did you not hear and know all about it ?

A. I heard, but I did not know before.

Q. Did you not know that some lived in Tuscarora and Mahanoy City ?

A. I heard some was in this end and some in that end of the mountain, but I did not know anything about Tuscarora or Mahanoy City.

Q. Was it not determined how they were to be shot?

A. There was something said about that, but I do not know where it was.

Q. You heard the testimony of Frank McHugh upon the stand?

A. Yes, sir.

Q. Was it correct?

A. The words he spoke were correct. I acknowledge having spoken the words he spoke himself, but not at the time of the conspiracy.

Q. Then Frank McHugh did not tell the truth, as you think?

A. He spoke the truth, but not at the proper time; but it was before there was ever anything said about the conspiracy that I spoke of he swore that I acknowledged the plan.

Q. At that time?

A. I do not know what time he said.

Q. Jack Kehoe never asked you to send those men in the meeting—the men whom you were to have sent to Schuylkill county?

A. In the meeting I was asked for the men to shoot Thomas in the presence of all that were there.

Q. And you made that reply?

A. Yes; I made the reply.

Q. Was the business of the meeting confined to William M. Thomas and the two Majors?

A. I think that was about all.

Q. Donnelly did not talk about a boss at Mount Laffee?

A. I do not know as there was anything said about a boss in Mount Laffee; I could not say for certain about that.

Q. Did you promise Kehoe that you would send those men?

A. No, sir; but refused to send them.

Q. Do you know whether I am asking you to send them to Raven Run, or the Majors?

A. No, sir; but I refused them both; so I am right, anyhow.

Q. And it was on the way from Mahanoy City that you refused?

A. Yes; I think so.

Q. You told him in Mahanoy City that you would not send the men to kill Thomas or the Majors?

A. I was not asked for men to kill the Majors, but just Thomas. I told him my county did not do such work, and neither would I allow it.

Q. Did he ask you, too, for men to go to Raven Run?

A. Yes, sir.

Q. Did he think you would refuse him the second time?

A. I do not know what his thoughts were.

Q. You refused him twice?

A. I refused him twice.

Q. You knew that Butler was liberated from prison, and that he was not sentenced?

A. Yes, sir.

Q. You knew that Lawlor was not sentenced?

A. I knew he was released.

Q. And that Frank McHugh was not sentenced?

A. Yes, sir.

Q. And that John J. Slattery was not sentenced?

A. Yes, sir.

Q. But you knew you were sentenced yourself?

A. Yes. I ought to know it.

Q. And you resolved to get even with the others?

A. No, sir.

Q. By getting an opportunity to clear yourself?

A. I came upon the stand to show exactly my position—how I had been accused wrongfully for crimes I had never committed.

Q. Do you not think it was a great reward to get upon the stand?

A. I do not know whether it was a reward or favor. I asked them nothing except to make a statement.

Q. You did not regard it as a reward to go upon the stand and swear against that man?

A. I did not want to swear against that man. I made a statement, and I am bound to stand to it. I have offered to give my statement, and I did not say whether they should put me upon the stand or not.

Q. You offered your services?

A. Yes; I certainly have done so.

Q. Without hope of reward?

A. I have nothing but to go upon the stand and say I am innocent.

Q. No hopes of getting anything?

A. I have told you a dozen times.

Q. Who was present when Donnelly confessed to you that he brought those men to Raven Run?

A. The bar-room was full. There was none listening to the conversation except himself and I, although there were dozens there.

Q. Hester's bar-room is not very large?

A. I do not think it was; but the house was full.

Q. Did he communicate it to you in a low tone?

A. He communicated it to me at the bar, standing there, when I first got there.

Q. You never met him before that night?

A. No, sir.

Q. Who introduced him to you?

A. I believe it was Pat Hester—I do not know for sure.

Q. Did he tell you they were at his house the night before?

A. He said they were there the night before—I could not say whether he said they were at his house; but I think he said that he could not keep them at his house.

Q. Why did he want Heaton out of the road?

A. Because he was a bad man, and that he was down on the order. I asked him if it was the man that came into Sanger's place, and he said, no; it was Mr. Heaton.

Q. Did you know the gentleman?

A. No, sir.

Q. Did you know there were several of that name?

A. No, sir; I did not know anything about it.

Q. Why did he say that he wanted Sanger put out of the road?

A. He did not say.

Q. You never had any conversation with Dennis Donnelly, prior to the murder of Sanger and Uren, relative to the getting of men?

A. I never saw Dennis Donnelly up to that night, to my knowledge.

Q. You had with Jack Kehoe?

A. Yes, sir.

Q. And Jack Kehoe told you to send them where?

A. To Dennis Donnelly, to the best of my knowledge.

Q. Are you sure?

A. No, sir; I am not.

Q. (By Mr. Garrett.) You spoke about the trial for conspiracy. Was there not counsel for the defendants that wanted you to go upon the stand to testify?

(Mr. L'Velle objected.)

Re-direct examination by Mr. Kaercher.

Q. Did you know that there was an application made for your pardon?

A. No, sir. I did not know anything about the pardon was to be made at all.

Q. Did you know that a pardon had been granted until it was told you by Mr. Garrett, your counsel?

A. No, sir; I did not know it previous to that.

Q. That was the first you knew that there was a pardon, or that one had been granted?

A. Yes; that was the first I knew.

Q. State whether or not you made some statement to

Mr. Garrett, as your counsel, of what you knew in regard to offenses, and requested him to tell Captain Linden to come and see you?

A. Yes, sir.

(Defendant's counsel ask for an offer.)

MR. KAERCHER:—The Commonwealth propose to prove that it was a voluntary act of the party himself, through his counsel, communicating to an officer and soliciting an interview in order to make a statement.

MR. CAMPBELL:—The defendant has no objection to his stating it was voluntary, but we do object to his bringing in the counsel for the defendant.

Q. State whether you did, through your counsel, request an interview with Captain Linden?

A. Yes; I did.

Q. To give him information about what you knew?

A. Yes, sir.

Q. Was it after that Captain Linden came to see you?

A. Yes; after that.

Q. Did you make a statement to him?

A. Yes, sir.

Q. You stated that Captain Linden said, "In God's name;" did he tell you, "In God's name, tell us simply the truth?"

(Objected to.)

(Evidence admitted. Exception taken by defendant. Bill sealed.)

C. L. PERSHING. [SEAL]

Q. State whether Captain Linden said any thing to you, or held out any inducement beyond saying, "In God's name, tell the truth"?

A. That is all that Captain Linden told me; he told me to tell the truth, and nothing but the truth.

Q. Is it your recollection you were to send the men to Donnelly?

A. Yes; that is my recollection that he said, to the best of my knowledge; I would not be positive to the words.

Q. Do you recollect the place you were to send them?

A. He did not name the place at all.

Re-cross-examination by Mr. L' Velle.

Q. Did you have but one conversation with Captain Linden?

A. I had several.

Q. Was the first conversation you had in pursuance of the request you made to your counsel?

A. Yes, sir.

Q. When was it?

A. It was between my conviction and sentence.

Q. Then it was in 1876?

A. Yes, sir.

Q. You told him you wanted to see Captain Linden?

A. Yes, sir.

Q. (Mr. Campbell.) Did you have a conversation with your counsel about getting Captain Linden?

A. No, sir.

Q. About telling Captain Linden what you knew;—you said you sent word to Captain Linden?

A. I made a mistake in that; I sent for Mr. Garrett and told him, and made some remarks, and he said he would see Captain Linden and send him to me. That was the way it was.

Q. Did you ever tell Garrett that you knew anything about this Donnelly case?

A. Never, sir.

(Recess for half an hour.)

Afternoon Session.

HIRAM BENSINGER recalled.

Direct examination by Mr. Kaercher.

Question. State whether you recollect the night before Sanger was killed?

Answer. Yes, sir.

Q. Where were you that night or the night before?

A. I was working at the carpenter shop.

Q. What time did you leave work that night?

A. Between the hours of eleven and twelve.

Q. State in what part of the patch you live?

A. At the place marked H. Bensinger on the map.

Q. Whereabouts did Dennis Donnelly live?

A. I would not be certain about the block, but it is here.

(Indicates on map.)

Q. Did you see any men that night?

A. I met five men coming down the road.

Q. Whereabouts was it that you met them?

A. As near as I can tell you, between Alfred Kitta's and Michael Mack's.

Q. You met them between those two houses on the road?

A. Yes; five of them.

Q. How were they dressed?

A. In clean clothes—shifting clothes.

Q. Between eleven and twelve o'clock, as you were returning from your shop to your home?

A. Yes; we were working on the night-shift. They were scarce of wagons, and we were fixing the wagons.

Q. Who was with you?

A. James Fisher and his son Frank.

Q. Did you know any of these men?

A. No, sir; they were strangers to me.

Q. In what direction were they going?

A. Down.

Q. Down past Sanger's?

A. Yes; if they kept on down the road they would certainly go past Sanger's.

Q. The direction they were coming from was the same direction as Dounelly's house?

A. Yes, sir.

Q. You did not notice them until you saw them between these houses?

A. No, sir; it was pretty dark.

Cross-examination by Mr. L' Velle.

Q. You were a witness in the case of Munley?

A. Yes, sir.

Q. You did not then state you met five men?

A. No, sir; I was not asked.

Q. Were you not sworn to tell the truth, the whole truth, and all you knew about it?

A. Yes; all I was asked.

Q. Who was with you?

A. James Fisher and his son Frank.

Q. Was Fisher with you when you met those men?

A. Yes; he was boarding with me.

Q. And his son?

A. Yes, sir.

Q. Did you meet them on the road?

A. Yes, sir;

Q. Did you have any conversation with them?

A. No, sir.

Q. They did not stop you?

A. No, sir; they passed on.

Q. How do you know the number of men?

A. By seeing them.

Q. Are you satisfied there was but five?

A. That is all; I am satisfied there were only five men.

Q. Did they have hats or caps on?

A. I could not say.

Q. How near were you to them?

A. I guess I was within five or six feet.

Q. They were going down toward the breaker and you were going toward your house?

A. Yes, sir.

Q. They were coming from the direction of your house?

A. Yes, sir.

Q. And passed by your house?

A. Yes; I suppose they did. I did not see them until they got pretty near to me.

Q. You only suppose they passed Donnelly's house?

A. That is all.

Q. Donnelly was not one of them?

A. I could not say whether he was or not; I did not know any of them.

Q. Do you know where Donnelly lived?

A. I could not tell you the block that he lived, but only what part of the patch he lived in.

Q. Were they coming from Donnelly's?

A. I could not say.

Q. Did you not know where Donnelly lived then?

A. Yes; they were coming down the patch.

Q. They were not coming as if they were coming from Donnelly's house?

A. I could not say that.

Re-direct examination by Mr. Kaercher.

Q. State whether they were coming from that direction; did the road they were traveling go by Donnelly's house?

A. There are two roads there. I hardly know how to answer that question. They are what I call the front and back road, and they were on the front road. They were coming away from the direction of Donnelly's house.

Re-cross-examination by Mr. Whitehouse.

Q. You cannot swear that they came from Donnelly's house?

A. No, sir.

Q. Or the direction of Donnelly's house?

A. Yes; I can swear they came from the direction of Donnelly's house, and my house.

Q. Who lives next to you?

A. There are a lot of people living along there.

Q. And they came from the direction of those houses?

A. Yes, sir.

Q. It was more in the direction of yours than Donnelly's?

A. Well, there is a road that comes down there.

Q. They came down the street that fronts upon your house and all those houses?

A. Yes, sir.

Q. But they did not come down the street that comes down by Donnelly's house?

A. No, sir; but I could not say that they came down here either. I did not see them until I met them here. They came from the direction of the upper part of the patch, I should say.

Q. If they came down from that way, is it in the direction of Donnelly's house?

A. I should say it was. It was in the upper end of the patch. I should call it from that direction. They were coming down, and that is all I can tell.

Q. If the road comes straight from that court-house door, and Donnelly lived over there (indicating one corner of court-room), would they be coming from the direction of Donnelly's house?

A. I should say that they came from that direction; that they came from the upper end.

Q. (Mr. Kaercher.) Did you have anything with you?

A. Yes; a lamp.

Q. Was it lit?

A. Yes, sir.

JAMES G. FISHER recalled.

Direct examination by Mr. Kaercher.

Question. Do you recollect the night before Sanger was killed?

Answer. Yes, sir.

Q. Where were you working that night?

A. I was in Raven Run. I was not working that night, but I went with my boarding-boss to his work in the car-shop.

Q. What time did you return from the car-shop?

A. About half-past eleven.

Q. Did you meet any men on the road?

A. Yes; I met—I am certain—four men coming down the road,—coming along the Girardville road just below Bensingers' house; they were on the other side of the street, coming down.

Q. How were they dressed?

A. I could not tell; it was too dark.

Q. Did you know them?

A. No, sir.

Q. You say you recollect four?

A. Yes; I recollect four for sure.

Q. Can you tell whether there were any more?

A. I could not tell whether there were any more or not.

Cross-examination by Mr. Whitehouse.

Q. Did you know Buckey Donnelly?

A. No, sir; not at that time.

R. J. LINDEN sworn on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. State whether you are a police officer?

Answer. Yes, sir.

Q. State whether you know the fact that Michael Doyle, James O'Donnell and James McAllister are fugitives from the county ?

A. Yes, sir.

Q. State about what time they disappeared ?

A. They disappeared about November, or about January, 1876, most of them.

Q. Have you been able to find them since that time ?

A. No, sir.

(No cross-examination.)

Commonwealth's counsel offer in evidence the bullet which produced the wound, and the map which has been testified to by the witnesses in this case.

Commonwealth rests.

Defendant's counsel ask for an adjournment until to-morrow morning, in order to enable them to prepare their case, as some of the witnesses have not yet arrived.

THE COURT stated that, in view of the circumstances, and the attorneys being appointed by the court, it would be granted.

Adjourned to 9 A. M.

E. D. YORK,
Official Stenographer.

FRIDAY, NOVEMBER 23D, 1877.

Morning Session.

Court opened at 9 A. M.

PATRICK BUTLER recalled.

Cross-examination by Mr. Campbell.

Question. Are you acquainted with a man in prison by the name of James McDonald?

Answer. Yes, sir.

Q. Did you ever tell James McDonald that the reason you would come out and testify was, that if you did not do it they would trace the murder of Sanger and Uren to your door?

A. No, sir; never did.

Q. Did you not tell him that?

A. No, sir.

Q. In Slattery's cell at the time he went up and cut Slattery's hair?

A. No, sir.

Q. You do not remember that?

A. No, sir; I do not remember of that.

Q. Do you swear you did not tell him that?

A. I do not remember of it.

Q. Do you swear that you did not?

A. I do.

Q. You said yesterday in your re-examination-in-chief that there was a member of your organization had got into trouble—McClain, who claimed to have killed Gomer James?

A. He did claim it.

Q. Do you know whether he did commit that crime or not?

A. I do not.

Q. Did you decide in favor of Hurley, and against him?

A. No, sir; not at that meeting.

Q. Do you not know it was decided in favor of Hurley

A. It was; yes sir.

Q. And against McClain?

A. Yes, sir.

Re-direct examination by Mr. Kaercher.

Q. That is, that the claim of McClain, who was a member of your division, to have been one of the murderers of Gomer James, was disallowed, and it was given to Thomas Hurley, who was one of the members of the Shenandoah division?

A. Yes, sir.

Q. State whether you were appointed one of the committee—you and McParlan?

A. I was.

Q. To decide which of the men had committed that crime?

A. Yes, sir.

Q. State why it was necessary to appoint a committee to decide which of these two men had committed the murder?

A. It was Tom Hurley claimed to be the murderer, and so did Mike McClain.

Q. Was the man who did it to receive a reward from the organization?

A. Yes; of one hundred (100) dollars.

Q. And you decided in favor of Hurley?

A. Yes, sir.

Re-cross-examination by Mr. Campbell.

Q. You say you met Donnelly down at Tony Munley's the night of the day of the murder?

A. Yes, sir.

Q. What time was it of the night?

A. Between six and seven o'clock, I think, in the evening.

DENNIS F. CANNING recalled.

Cross-examination by Mr. Whitehouse.

Question. You said that you told Captain Linden all that you knew about Donnelly's connection with this murder?

Answer. Yes, sir.

Q. Did you not also say in prison that you were going to testify to having received a letter from two persons purporting to come from Bucke, Donnelly in reference to the Sanger murder, and did you not say, also, that you knew it was not from Donnelly?

A. I said so. I did not say I did not know it was from Donnelly, but I said that to the best of my opinion I did not believe that Donnelly sent it.

Q. Did you tell Linden about the note?

A. Yes; and that I did not wish to testify to that because I did not think it came from Donnelly, and therefore I did not wish to swear to it.

Q. When did you receive such a note?

A. In August, 1875.

Q. Who brought you the note?

A. I do not know, sir.

Q. Were they strangers to you?

A. Yes, sir.

Q. Where did they give it to you?

A. In Locust Gap.

Q. Were you at work?

A. No, sir; it was in the evening.

Q. How many parties were there.

A. Two.

Q. Was it sealed or open ?

A. Yes ; it was sealed.

Q. Addressed to you ?

A. Yes, sir.

Q. How was it addressed ?

A. Dennis Canning, Locust Gap ; that is all.

Q. Was there anything else on the outside ?

A. Nothing more.

Q. You have not got that letter now ?

A. No, sir ; I destroyed the letter immediately, as soon as I read it.

Q. Do you know what time in August you received that letter ?

A. No, sir ; I could not say.

Q. How long before the murder ?

A. That was in the month of August, I think the murder was committed in September, but I could not say what day. That is all I know about it.

MR. CAMPBELL :—Could you tell the writing of that note ?

A. No, sir.

Q. Was it written in lead pencil or in ink ?

A. In ink.

Q. Do you think you could tell the handwriting again if you saw it ?

A. No, sir. I think not.

Q. Are you sure ?

A. I do not believe I could. I am not sure.

Q. Look at that writing (shows witness paper) and see if it was something similar to that handwriting ?

A. No, sir ; it was not. It was not quite so much cramped as that—it was more of a round hand.

Q. Was it like that ? (Shows witness paper.)

A. It was more like that, but not the same writing, to the best of my knowledge.

Re-directed examination by Mr. Kaercher.

Q. What time in August was it that these two men came over to see you ?

A. I could not say. Perhaps about the middle of August, 1875 ; but I could not say the exact date.

Q. There were two men ?

A. Yes, sir.

Q. Were they strangers to you ?

A. Yes ; perfect strangers.

Q. Did they reside in your part of the county ?

A. No, sir.

Q. Where did they say they were from ?

A. From Schuylkill county.

Q. Did they tell you from what place ?

A. No, sir.

Q. Did they tell you who sent them ?

A. Yes, sir.

Q. Who did they say sent them ?

A. This Dennis Donnelly.

Q. Did they say why he did not come himself ?

A. I asked them why he did not come, and they said they did not know. They said it was all the same when he sent the note.

Q. Did you see his handwriting before ?

A. No, sir ; but I saw letters from him afterwards.

Q. Do you know whether this was his letter, except from what they stated, and how it was signed ?

A. That is all I know about it.

Q. What was it ?

A. Requesting me to send men to shoot a boss, and I asked the men who was the boss, and they said it was Sanger.

Q. What did you do with the letter ?

A. I burned the letter with the flame of the mining lamp in the shanty when I read it.

Q. About what time of the night did they come ?

A. About eight or nine o'clock.

Q. Did you have any conversation with them ?

A. Nothing more than I refused to send the men. They said they thought it had been arranged before now, and I said there was no arrangement with me. They asked me if there was no arrangement to exchange men, and I said not, except one that had spoken to me. I could not say whether I told them the man that spoke to me or not.

Q. Do you recollect the name of one of these men ?

A. To the best of my knowledge, one was Martin, I think he was called. I do not know the rest of their names. That was all the name, I know.

Q. Was it a first or last name ?

A. I do not know.

Q. You heard one of the other men call one of them Martin ?

A. Yes, sir.

Q. Is that all the occurrences of that night that you recollect ?

A. Yes ; that is about all.

Q. State whether or not one of the men that had spoken to you of your division was one of the men that was in at Hester's the night when Donnelly told you about the murder of Sanger afterwards ?

A. Yes, sir.

Q. What was his name ?

A. Patrick Manning.

Q. Was it one of the two men ?

A. That was the man that spoke to me about the affair previous to this,—about exchanging the men.

Q. Was it the man that was referred to in the conversation between you and these two men, when they asked you if it had been arranged between the two divisions ?

A. Yes ; that is the man.

Q. When had you the conversation with Manning ?

A. I had several conversations with Manning. He had been for me nearly a year to exchange men to shoot Ormrod, in Schuylkill county.

Q. What did he say about men from Raven Run, prior to the time you were in Hester's?

A. He did not say anything prior to that about men from Raven Run. Not about getting any men from a certain place, except from Schuylkill county.

Q. Did he say there was anything to be done in Schuylkill county, or whether there was anybody to be put out of the road?

A. He said I could exchange men; but I had lost one chance, now I had another.

Q. Did he say exchange for what job?

A. No, sir; he did not name it.

Q. You told this conversation, in regard to this letter, to Captain Linden?

A. Yes, sir.

Q. Why did you not testify to it upon the stand?

A. I told him I did not think it came from Dennis Donnelly, and I did not want to swear anything against a man that was not so.

Q. Or, that you did not believe of your own knowledge?

A. Yes; because I thought the man was innocent of it, and I asked Captain Linden not to have me testify to this letter.

Opening for the defense by MR. L'VELLE.

JOHN DONNELLY sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Are you a brother of the prisoner?

Answer. Yes, sir.

Q. Where did you live in the month of September, 1875?

A. At Raven Run.

Q. Do you remember of the Sanger and Uren murder upon that day?

A. Yes, sir.

Q. Where were you on the evening of the day he was murdered?

A. At my own house down the patch—down by the store and around.

Q. Did you live in the same patch as Dennis Donnelly did?

A. Yes, sir.

Q. How far from him?

A. There are two blocks between him and where I live.

Q. How far is a block?

A. Something between fifty and sixty feet between each block.

Q. Do you recollect of seeing your brother that evening?

A. Yes; he was in at my house.

Q. About what time?

A. The night of the morning that Mr. Sanger was shot he was in at my house, I think, about nine o'clock. I could not say the exact time. It was the night of the shooting; he was shot in the morning.

Q. Was there anybody with him?

A. Yes; we were sitting around Mr. Halloran's house, and there was a crowd, and I was sitting there myself and talking.

Q. When he came into your house, who came into it with him?

A. I was with him and a man named Kerns; it was his direction going home and I said, "sit down;" but they did not stay long, and I went to bed shortly after.

Q. Was there a great deal of excitement there?

A. Yes; the night following the murder.

Q. The night following the murder?

A. Yes, sir; the murder was in the morning.

Q. Were you down here on the day of the *habeas corpus* hearing in the Munley case and McAllister cases?

A. Yes, sir.

Q. Did you go up on the train with your brother?

A. Yes, sir.

Q. State who was in the car with you?

A. The car was the smoking-car and it was pretty full. McParlan was in the car, and Heaton, L'Velle and Dennis Donnelly was there and I was there myself, and I could not begin to think of all.

Q. Do you recollect where McParlan sat in the car?

A. Yes; backward of where L'Velle and I sat.

Q. Near you?

A. Yes; pretty near. I was sitting on one side of the car first; I was sitting where Donnelly was sitting first; and L'Velle had a vacant place on his seat, and he beckoned to me with his finger, and I walked over there.

Q. Was Dennis Donnelly near McParlan?

A. I do not know whether he was on the seat behind him or the one across. I was sitting beside of him until I went to L'Velle.

Q. Did any conversation pass between McParlan and your brother that you heard?

A. No, sir; not any more than I heard McParlan—
(Interrupted.)

Q. If there was any conversation passed between McParlan and your brother, could you have heard it?

A. I might have heard it—of course while I was sitting there.

Q. You heard McParlan testify in this case?

A. Yes, sir.

Q. About the confession?

A. Yes; I heard nothing of that except the handing of the paper. I noticed him handing him that paper—handed McParlan a newspaper—and that is all the discoursing I heard between him.

Q. Dennis handed McParlan a newspaper?

A. Yes; he asked him if he had done reading, and he handed it to him.

Q. Where did your brother live in Raven Run?

A. (Witness indicates on map.) Over on the State road there was a place where a widow woman used to sell porter around there, but no whisky. Houston tavern was in the other patch.

Cross-examination by Mr. Kaercher.

Q. You are a brother of Dennis?

A. Yes, sir.

Q. You said you were on the train when McParlan and your brother and yourself and L'Velle returned from the *habeas corpus* hearing of Thomas Munley?

A. Yes, sir.

Q. You sat opposite your brother part of the way?

A. Yes, sir.

Q. And then you got up and went back and talked to L'Velle?

A. Yes; L'Velle beckoned his finger at me and I went to him.

Q. At that time McParlan was either sitting on the seat back of your brother or opposite him on the other side of the aisle?

A. He was sitting pretty near there, I know.

Q. What was it you heard McParlan say to him?

A. He asked him had he done reading the paper, and he said "yes," and handed over the paper.

Q. That was while you were there?

A. Yes, sir; Donnelly was reading the paper.

Q. And then after that you went back to L'Velle?

A. Yes, sir.

Q. Any conversation that may have taken place between your brother and McParlan after you went back to L'Velle you could not hear?

A. No, sir ; but I knew that my brother followed me back and we were discoursing between ourselves, and my brother had some whisky, and I told him not to interfere, and I told him to go back to his seat again. I do not know where he went back to then ; he stayed and talked a few words and then walked away.

Q. This evening when you were at home that was about nine o'clock ?

A. Yes ; I think I was up the road, and William Kern was along, and there was another man, I do not know for sure—I would not swear to that.

Q. What time did you go to bed ?

A. Him and Kern sat down ; they sat one right forinst the room door and the other right forinst the kitchen door, and they left before I went to bed.

Q. They went home, did they not ?

A. They allowed it was time to go home, and they went right out.

Re-direct examination by Mr. Campbell.

Q. You do not belong to a secret organization ?

A. No, sir.

Q. You never were a member of any other society ?

A. No, sir ; except the Temperance Union.

Q. Did you see this prisoner on the morning of the murder ?

A. Yes, sir.

Q. About what time ?

A. I was preparing to go to work, and I was standing by the shanty door and I saw him pass down the road with his can and bottle already to go to work. He was going down the road to go to his work. Then I was passing down toward the stable, and he was sitting beside the powder-house with some other men. I noticed Mr. Purcell with him.

Re-cross-examination by Mr. Kaercher.

Q. How long did he go down before you ?

A. It might be five minutes or so. I do not think it could be any more.

Q. What time did you go down that morning ?

A. I went down it might be fifteen minutes before the first whistle ; some mornings we would go down the road when the whistle would blow, and sometimes five minutes late, according as we would get ready in time.

MRS. MARGARET O'ROURKE sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Where do you live ?

Answer. In Scranton, Luzerne county.

Q. Where did you live on the 1st of September, 1875 ?

A. In Dennis Donnelly's, in Raven Run.

Q. You and your husband lived in the same house with Dennis Donnelly ?

A. Yes, sir.

Q. Did you live together as one family ?

A. Yes, sir.

Q. State whether or not you remember the day of the murder of Sanger and Uren ?

A. Yes, sir.

Q. Do you recollect the evening before the murder ?

A. Yes, sir.

Q. Where were you that evening ?

A. I was in the house,—in my own house.

Q. In the same house that this defendant lived in ?

A. Yes, sir.

Q. Did you see this defendant that evening ?

A. Yes ; I did. I went up-stairs about seven o'clock, and I came down about nine to get a drink of water, and

Dennis Donnelly and his wife were in bed. I was looking out through the window until the Colorado whistle blew nine, and then I came down-stairs.

Q. And saw Dennis Donnelly and wife in bed at nine o'clock?

A. Yes, sir.

Q. What room did they sleep in?

A. In the front room down-stairs. I had to go into this room to go into the kitchen.

Q. Do you recollect the evening of the murder?

A. Yes, sir.

Q. Do you recollect of seeing Dennis Donnelly that evening?

A. Yes, sir; I saw him around the house that evening.

Q. What time?

A. After supper.

Q. What time did you get supper?

A. Six o'clock.

Q. Do you recollect of seeing him after that?

A. Yes, I do; I saw him after that; his mother-in-law was very sick and I went up there.

Q. You went out that evening?

A. Yes, sir.

Q. On the night of the murder was there a crowd in Dennis Donnelly's any part of the evening?

A. No, sir.

Q. If there was a crowd of men there could you have heard them?

A. Yes. The house was not plastered, or anything—the ceiling was not plastered.

Cross-examination by Mr. Kaercher.

Q. You stated that you lived in Luzerne county at the present time?

A. Yes, sir.

Q. Who lived in this house besides Dennis Donnelly, his wife and family, and yourself and husband ?

A. Nobody else.

Q. What portion of the house did you live in ?

A. We lived together, only I slept up-stairs from them.

Q. And they slept down-stairs, in the front room ?

A. Yes, sir.

Q. How many rooms were there in that house ?

A. Three: one up-stairs, one down-stairs and the kitchen.

Q. Are you any relation of Dennis Donnelly ?

A. No, sir ; I never saw the man in my life until I came to Schuylkill county.

Q. Are you any relation of his wife ?

A. No, sir.

Q. Was your husband ?

A. No, sir.

Q. You were simply living in the same house with them ?

A. Yes, sir.

Q. On the evening before the murder you went to bed about seven o'clock ?

A. No, sir ; I did not go to bed about seven o'clock, but my husband did.

Q. He went to bed about seven o'clock ?

A. Yes, sir.

Q. What shift did he work on ?

A. On the day-shift, and he came home about five o'clock and had his supper and went to bed about seven o'clock.

Q. What time did he get up in the morning to go to work ?

A. Six o'clock.

Q. Then you went up-stairs with him when he went to bed ?

A. Yes, sir.

Q. And you remained up-stairs until nine o'clock ?

A. Well, I was looking out through the window until the Colorado whistle blew nine.

- Q. What kind of a night was it ?
 A. A bright, nice night.
 Q. Was there a moon shining ?
 A. Yes, sir.
 Q. You were looking out of the window you say ?
 A. Yes, sir.
 Q. Now, do you not know that it was a very dark night, and so dark that people going home along the street carried lamps ?
 A. No, sir ; it was not a dark night.
 Q. Was it a cloudy night ?
 A. No, sir.
 Q. You were looking out of the window upon this bright night until nine o'clock, you say ?
 A. Yes, sir.
 Q. And then you went to bed ?
 A. Yes, sir.
 Q. And that was the first time you went to bed ; you had been setting up all the time from seven until nine ?
 A. Yes, sir.
 Q. Had you any children at that time to attend ?
 A. No, sir.
 Q. How soon after you went to bed did you fall asleep ?
 A. I do not know ; I think right away after going to bed.
 Q. Did you sleep on until the next morning ?
 A. No, sir ; I came down during the night and went out the back door.
 Q. You came down about nine o'clock, but that was before you went to bed ?
 A. Yes, sir.
 Q. And then you went to bed and fell asleep ?
 A. Yes, sir.
 Q. How long did you sleep before you got up ?
 A. I do not know, indeed.
 Q. Tell us as near as you can ?

- A. I guess it was near morning.
- Q. Three or four o'clock ?
- A. I guess it was about that time.
- Q. Then you came down-stairs and went out ?
- A. Yes, sir.
- Q. And then your returned to your bed ?
- A. Yes, sir.
- Q. What time did you arise to remain up ?
- A. At six o'clock.
- Q. When you came down about nine o'clock you noticed Mrs. Donnelly and Dennis in bed ?
- A. Yes ; Mrs. Donnelly asked me—
- Q. Never mind that ; had they a light burning ?
- A. Yes ; they always kept a light burning.
- Q. And then you went up and that is the last you heard of Dennis Donnelly until you came down the next morning at three or four o'clock ?
- A. Yes, sir.
- Q. You did not hear anything during the night ?
- A. No, sir.
- Q. You did not hear of men knocking upon the door ?
- A. No, sir.
- Q. Did anybody get up down-stairs and go out ?
- A. No, sir.
- Q. You do not know whether any men came there during that night or not ?
- A. No, sir.
- Q. If they did it was without your knowledge ?
- A. Yes, sir.
- Q. There was no place in that house where four or five men could have been kept that night ?
- A. No, sir.
- Q. The house was fully occupied ?
- A. Yes, sir.
- Q. Did your husband and Dennis Donnelly have anything to drink the night before—before they went to bed ?

A. No, sir.

Q. Did they have whisky there?

A. No, sir; they never had a drink of whisky in it while I was in it.

Q. You said on the next morning after this night when you got up, Sanger was shot?

A. Yes, sir.

Q. Did you see Dennis Donnelly going to work that morning and your husband?

A. Yes, sir.

Q. They went after six o'clock and went to work?

A. Yes, sir.

Q. Who went first?

A. I do not know; they used to go out about the same time.

Q. Who went first that morning?

A. They both went out generally or both one after the other.

Q. Did they go out together or separately?

A. They did not go out together.

Q. Who went first?

A. Dennis Donnelly.

Q. How long before your husband did Dennis Donnelly go?

A. Just a few minutes.

Q. How long were they gone until they heard the shooting?

A. About a half an hour, I think—not very long.

Q. On the next day, did your husband work the day that Sanger was killed?

A. No, sir.

Q. What time did you take supper that day?

A. About six o'clock.

Q. And you stated that after supper you went out to see somebody?

A. Yes, sir.

Q. Who was it?

A. Dennis Donnelly's mother-in-law.

Q. What was her name?

A. Mrs. Kelly.

Q. What was her husband's first name?

A. Jimmy Kelly.

Q. Whereabouts did they live?

A. The next block to Dennis Donnelly's.

Q. Did you go into the house and sit down?

A. Yes, sir.

Q. Who did you go to see?

A. Mrs. Kelly.

Q. Who else was there besides Mrs. Kelly?

A. Her and her two daughters, Mary Ann Donnelly and Anna Mack.

Q. Was there anybody else there?

A. Not at that time, but some others came in, the rest of the neighbors there.

Q. Who came in there?

A. I do not think now.

Q. Take plenty of time and recollect all that came in and tell us who they were?

A. I forget the names now that came in.

Q. Do you forget the names of your neighbors?

A. One of them that came in was Mrs. Dugan; I do not know the first name. She lived the next door to Dennis Donnelly.

Q. Can you not tell us who lived the next door to Dennis Donnelly?

A. Yes; that is Mrs. Dugan.

Q. Where did the other persons live?

A. Down the patch. I was not acquainted with her.

Q. Do you know which house she lived in?

A. Yes; the next door to Mike Mack.

Q. Was she living there yet when you left there?

A. Yes, sir.

Q. Which side of the road did Michael Mack live upon ; the same side as Sanger ?

A. Yes, sir.

Q. Did this woman live in the next house below Mack's, toward Sanger ?

A. Yes, sir.

Q. And that woman came in ?

A. Yes, sir.

Q. What time was it when you went there first ?

A. I do not know.

Q. After you had supper you washed your dishes ?

A. Yes, sir.

Q. And it was after that you went over to this house ?

A. Yes, sir.

Q. How long after you had your supper and washed your dishes ?

A. I do not know.

Q. Was it half an hour ?

A. I do not know, indeed ; it was on up toward seven o'clock, anyhow.

Q. Then you went over there ; how long after you got there was it that this woman from down next to Mack's came in ?

A. I do not know, indeed.

Q. Were you there half an hour before she came ?

A. No, sir ; only a few moments.

Q. State how long you stayed there ?

A. I did not stay long in it.

Q. You were talking about the murder ?

A. Yes ; we were.

Q. Were you all talking about it as long as half an hour ?

A. No, sir ; I did not stay there as long as that.

Q. Did you stay there as long as twenty minutes ?

A. Yes, sir.

Q. Dennis Donnelly was home to supper that evening ?

- A. Yes, sir.
- Q. And you took supper at the same table?
- A. Yes, sir.
- Q. After supper he went out?
- A. I do not know. I left him in the house when I went up to his mother-in-law's.
- Q. How long was it before you saw Dennis again?
- A. I saw him all that evening.
- Q. Where was it you next saw him after supper?
- A. Around the house.
- Q. You left the house, you say; where did you see him when you came back?
- A. At the door of his own house outside.
- Q. Did he have his hat on?
- A. Yes, sir.
- Q. And his coat on?
- A. Yes, sir.
- Q. And that was the first you had seen of him from the time you had left him to go over to his mother-in-law's until you came back?
- A. Yes, sir.
- Q. He did not go over to his mother-in-law's with you?
- A. No, sir.
- Q. And during the time you were over there you did not know where he was?
- A. No, sir.
- Q. He was outside of the door when you came back?
- A. Yes, sir.
- Q. What time did you go to bed that night?
- A. I do not know, indeed.
- Q. How is it you can tell the time you went to bed the night before, and cannot tell us the night after?
- A. Because this woman was sick, and I was up in her house until it was pretty late.
- Q. Who was sick?
- A. Mrs. Kelly.

- Q. What night was she sick ?
- A. The very night the murder was done.
- Q. Then you went over to Mrs. Kelly's on account of her being sick ?
- A. Yes, sir.
- Q. And remained in her house until late ?
- A. Yes, sir.
- Q. That was on the day that Sanger was killed ?
- A. Yes, sir.
- Q. Did you go over to see her because she was sick ?
- A. Yes, sir.
- Q. What was the matter with her ?
- A. She had cramps.
- Q. Was she in bed ?
- A. Yes ; in the front room down-stairs.
- Q. Was she very sick ?
- A. Yes ; very . . .
- Q. In great pain ?
- A. Yes, sir.
- Q. Were you attending to her ?
- A. Yes, sir.
- Q. How long did you attend on her during that night ?
- A. I do not know, indeed.
- Q. Were you there until eleven o'clock ?
- A. No, sir ; I guess it was not quite eleven o'clock when I came home. It was after ten o'clock.
- Q. What time did you go there to see Mrs. Kelly on account of her being sick ?
- A. After I came down, I went up again in half an hour after that.
- Q. You came down to your house after the first time you went up ?
- A. Yes, sir.
- Q. And went back in half an hour ?
- A. Yes, sir.
- Q. If you left there about twenty minutes to seven, then you went back before eight o'clock ?

A. Yes, sir.

Q. Did you stay there until ten o'clock ?

A. Yes, sir.

Q. Then you were down to Kelly's for two hours ?

A. Yes, sir.

Q. Dennis Donnelly was not there ?

A. No, sir.

Q. During those two hours you did not see him ?

A. No ; I did not see him while I was up in Kelly's.

Q. Was Mrs. Kelly there the first time when you went there ? Was she sick when you went after supper ?

A. Yes ; she was sick all day.

Q. Do you mean to say to us that Mrs. Kelly was there, sick and suffering great pain, and that all the neighbors collected in there, and were talking about this murder ?

A. Yes ; it was an awful excitement, and any one would talk about it.

Q. You did not watch the clock to see how long you were there talking ?

A. No, sir.

Q. While you were there, you were assisting her and relieving her suffering, so far as you could ?

A. Yes, sir.

Q. (Mr. Farquhar.) What time did you calculate, by railroad or breaker time, when you say your husband went to bed at seven o'clock ?

A. By the breaker whistle.

Q. That is working time ?

A. Yes, sir.

JOHN DONNELLY recalled.

Re-direct examination by Mr. Campbell.

Question. State whether or not you know the fact that Mrs. Kelly was sick ?

Answer. Yes; Mrs. Kelly was sick.

Q. You were there yourself to see her?

A. Yes; I was there that night.

Re-cross-examination by Mr. Kaercher.

Q. What time did you go to see her?

A. After supper.

Q. About what time?

A. It might be about seven o'clock, or after, when I went there.

Q. How long did you remain there?

A. I did not remain in more than ten minutes, I think. There were a lot of women there and no men, and I did not remain there. She was subject to those cramps.

Q. Was she quite sick?

A. Quite sick.

JOHN DUGAN sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Where did you live on the 1st of September, 1875?

Answer. At Raven Run.

Q. Do you recollect the morning of the murder of Sanger and Uren?

A. Yes, sir.

Q. Do you recollect of seeing this defendant that morning?

A. Yes; I do.

Q. About what time?

A. About twenty minutes to seven o'clock.

Q. In whose company was he?

A. He was with this man—John O'Rourke. I saw him about half-past six or twenty minutes to seven.

Q. Where was he?

A. On the back porch of his own house.

Q. In his working-clothes?

A. Yes, sir.

Q. Did you see any strangers around the evening before?

A. No, sir.

Q. Where do you live?

A. Next door to Donnelly's.

Q. Did you hear any noise or talking in there the evening before the murder?

A. No, sir; I did not.

Cross-examination by Mr. Kaercher.

Q. What time did you go to bed that night?

A. About eleven or half-past.

Q. Where had you been the early part of the evening?

A. Over at the further side—on Ormrod's side of the patch.

Q. Did you go to bed as soon as you got back?

A. Yes, sir.

Q. And went right to sleep?

A. Well, not right away—in about fifteen or twenty minutes.

Q. You worked up to what time the day before?

A. Five or half-past, in the evening.

Q. Then you went over into Ormrod's side of the patch?

A. Over to an uncle's of mine, Ed. Halton.

Q. Was there anybody there with you?

A. Yes; the boys that were around.

Q. What boys?

A. The cousins—the Halton boys.

Q. Anybody else?

A. I do not remember as there was.

Q. Did anybody come home with you?

A. No, sir; I do not believe there did.

Q. Did you look at a clock or watch before you came home?

A. No, sir.

Q. You simply fix the time by your memory?

A. By the time in our house.

Q. What kind of time had you in your house?

A. Working time by the clock.

Q. It was eleven or half-past eleven when you came home, you say,—do you fix it by the clock?

A. I might have sat reading when I came in.

Q. I asked you what time it was when you looked at the clock, and you said eleven or half-past?

A. When I went to bed, I said.

Q. Which time did the clock say—both?

A. No, sir.

Q. Which did it say?

A. Well, half-past eleven.

Q. That is what the clock said when you looked at it?

A. If I was going to bed in the room I could tell.

Q. Did you not tell us that you looked at the clock when you came in, and that you might have sat there reading, and that would make it later?

A. Yes, sir.

Q. Then you looked at the clock when you went to bed?

A. Yes, sir.

Q. Your reading did not have anything to do about fixing the time?

A. No, sir.

Q. Why did you say it did; can you explain that?

A. I explain it that it might be a little after half-past eleven when I went up-stairs to bed.

Q. If it was half-past eleven by the clock, and it may have been a little nearer to twelve when you went to bed, why do you say it was eleven, or half-past eleven?

A. I may not have the correct time; I think it was working time.

Q. You said that because you did not know whether the time was right or not?

A. Yes, sir.

Q. When you came down that night, which way did you come—by the railroad?

A. No, sir; I came by the turnpike.

Q. Past Sanger's?

A. Yes, sir.

Q. You went right to your own house?

A. No, sir; I did not go right straight home to my own house; I stopped with a crowd at Halloran's bridge.

Q. At half-past eleven o'clock that night?

A. No, sir; it was not half-past eleven; it might have been before, coming up to eleven.

Q. Who was in the crowd?

A. I could not say right; I do not believe I could tell you all that was there. Mr. Halloran himself was there, and Darby Kern was there, and the boys.

Q. What boys?

A. The Halloran boys and Daly.

Q. Patrick Daly?

A. Yes; and Nash and the Barnes boys.

Q. Did you see Dennis Donnelly there, too?

A. No, sir; I did not.

Re-direct examination by Mr. Whitehouse.

Q. You did not belong to the order called the Mollie Maguires?

A. No, sir.

Q. And never did?

A. No, sir.

JAMES McDONNELL sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. I believe you are a prisoner now in the county prison?

Answer. Yes, sir ; at the present time.

Q. Did you know Patrick Butler when he was an inmate of that prison ?

A. Yes, sir.

Q. Did you ever have any conversation with him about his testifying in this case ?

A. I was in his cell.

Q. Who was present ?

A. Muff Lawlor was in there, and Slattery had just gone down-stairs in the office, and I was called up to cut Slattery's hair.

Q. What was your business in there ?

A. To cut Slattery's hair before he went to Mauch Chunk.

Q. Fixing him up to send him over there ?

A. Yes, sir.

Q. To make him look nice and respectable ?

A. Yes ; I presume so.

Q. Do you recollect what time it was ?

A. It was in the morning, after breakfast.

Q. What month ; in this year ?

A. I think it was the last time he went to Mauch Chunk ?

Q. If you had any conversation with Patrick Butler that morning, tell us what it was ?

A. When I came in Slattery went down-stairs, and Pat asked me what the boys thought of him. I told him they all thought it was pretty hard ; that he would not have got more than two years if he had kept quiet, and he said it was a mistake ; and he said " that man," he pointed his thumb at Muff Lawlor, " would take the stand and trace the Sanger and Uren murder to my own door."

Q. To his own door ?

A. Yes ; he pointed his thumb at Lawlor and said, " This man would take the stand and others, and trace the Sanger and Uren murder to my own door."

Cross-examination by Mr. Kaercher.

Q. Can you tell us what day this conversation took place?

A. Well, no, sir; but it is very easy to point out the day that Slattery went to Mauch Chunk last.

Q. Can you tell us the day?

A. No, sir; I cannot; I was sent to cut Slattery's hair.

Q. Was he in when this conversation took place?

A. No, sir.

Q. But Lawlor was there?

A. Yes, sir.

Q. You were in a little ten-by-twelve cell, were you not?

A. I do not know the dimensions exactly.

Q. It is not much larger?

A. I believe it is about there.

Q. And this conversation took place, you say?

A. Yes, sir.

Q. At that time?

A. Yes, sir.

Q. Who did you first tell this conversation to?

A. I spoke of it immediately after I went down in the shop to several men—the reason why I said it.

Q. Can you tell us the first one you told it to?

A. To all the shoemakers. John McDonald was one, and Barney Boyle and all the shoemakers in the shop. George Crispin heard me say so.

Q. Did he tell you anything further about the Sanger murder?

A. No, sir; not that I remember of. I was in his cell a couple of times, and he would be talking every time I would see him.

Q. At this time?

A. No, sir; the conversation stopped there. He spoke in a low tone when he said that he (Muff Lawlor) would

take the stand, and because he did not want Muff Lawlor to hear it.

Q. When you told your story before, why did you not say it was in a low tone?

A. I did not know it was necessary.

Q. Why did you tell it afterwards?

A. Because he did not want Muff Lawlor to hear it.

Q. How long have you been in Schuylkill county jail?

A. Next September I will be in three years.

Q. When were you first put in?

A. I was put in in September, 1865, I believe.

Q. In 1865?

A. Yes, sir.

Q. Do you mean in 1865?

A. The second term—no, sir; 1875. I was wrong.

Q. What were you put in for?

A. I was charged with larceny of several articles, I believe.

Q. Tell us what it was larceny of?

A. I believe there were some silver spoons, clothing and one thing and another like that.

Q. When did this thing happen?

A. In 1875, I believe.

Q. Was it not highway robbery?

A. No, sir.

Q. How long were you out before you were put in again?

A. I went out at eleven o'clock, and I came back to jail the next day at eleven.

Q. You were discharged on the first sentence at eleven o'clock and the next day at eleven o'clock you were back in jail?

A. Yes, sir.

Q. What did you go in the second time for?

A. Assault and battery and resisting an officer, I believe.

Q. You were put back within twenty-four hours after getting out?

A. Yes, sir.

Q. For attacking a police officer, was it not ?

A. I believe that was the charge.

Re-direct examination by Mr. Campbell.

Q. You were asked why you did not say that Butler told you in a low tone of voice when I examined you ; the question was not asked of you ?

A. No, sir.

Q. Where was Muff Lawlor standing when this conversation took place ?

A. Sitting beside the door, and Butler and I sat on the bed.

Q. You say you got out of jail at eleven o'clock and came back the next day at eleven ?

A. Yes, sir.

Q. State whether or not when you came out of prison you got something to drink ?

A. Yes, sir.

Q. In what condition were you when you assaulted the officer ?

A. Under the influence of liquor.

Q. Were you ever a member of the Ancient Order of Hibernians, or Mollie Maguires ?

A. No, sir ; I was not.

Q. You were never put in for any Mollie Maguire crime ?

A. No, sir.

Re-cross-examination by Mr. Kaercher.

Q. Were you ever in jail before you came to Schuylkill county ?

A. No, sir.

PATRICK NEARY recalled.

Direct examination by Mr. Campbell.

Question. You have already said in your examination by the district attorney that you were a member of the same branch of the Mollie Maguires that this man Dennis Donnelly was a member?

Answer. Yes, sir.

Q. Patrick Butler was a member of the same division?

A. Pat Butler was the body-master of us there.

Q. State if you know whether or not any charges were ever brought against this man in that division?

A. Why, not as I know. There was one charge against him at one time that I remember of now, but I know that he was expelled out of the order there for a while. He was expelled for some time. I could not tell how long.

Q. What time was it he was expelled, if you know?

A. I could not tell, but I know he was expelled. I think Butler got in his place as body-master.

(No cross-examination.)

THOMAS DOUGHERTY sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Where do you live?

Answer. In Girardville; at Connor's Patch, near Girardville.

Q. Where did you live in September, 1875?

A. In Connor's Patch.

Q. Were you ever a member of the Ancient Order of Hibernians?

A. Yes, sir.

Q. What division did you belong to?

A. David Kelly's.

Q. What division is it; the same division that Dennis Donnelly belonged to?

A. Yes; he did belong to it.

Q. That is the Girardville division?

A. Yes, sir.

Q. When did you join?

A. To the best of my knowledge it will be three years next February or March.

Q. While you belonged to that division was there ever any charges preferred against Dennis Donnelly?

A. Yes. I could not say exactly what time; but it was two or three months after I joined, as near as I can tell.

Q. Did they decide to expel him?

A. I could not say.

Q. Did you attend the order after that?

A. Yes; I was there once or twice afterwards.

Q. Did you see Buckey Donnelly there after that?

A. No, sir; I could not tell whether he was expelled or not.

Cross-examination by Mr. Kaersher.

Q. You said that it would be three years next February that you joined?

A. Yes; January or February.

Q. Then it was about 1875, in January or February, that you joined?

A. I could not give the date.

Q. When you joined you say it was in Girardville?

A. Yes, sir.

Q. Was it not the Wild Cat Run division?

A. Yes, sir.

Q. The Wild Cat Run division of the Ancient Order?

A. Yes, sir.

Q. Who was body-master when you joined?

A. David Kelly. He was body-master while I was there.

Q. Who was body-master before him ?

A. I could not tell you.

Q. Did you not learn in the order ?

A. No, sir.

Q. You say you were there once or twice afterwards ?

A. Yes, sir.

Q. And at those meetings you did not see Dennis Donnelly ?

A. Yes, sir.

Q. You do not know whether he was expelled or not ?

A. No, sir ; I could not swear whether he was expelled or not.

PATRICK DALY sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Where did you live on the 1st of September, 1875 ?

Answer. At Raven Run.

Q. Do you remember the morning of the murder of Sanger and Uren ?

A. Yes, sir.

Q. Do you recollect of seeing the prisoner that morning ?

A. I saw Mr. Donnelly about nine o'clock that morning ; he was between his house and mine ; I was going to Girardville to see my father.

Q. You did not see him earlier in the morning ?

A. No, sir.

Q. State whether or not you approached Sanger and said anything to him a few moments before he was attacked ?

A. Yes ; I spoke to him that morning.

Q. State what you told him ?

A. I called to him—I guess I was about ten or fifteen yards away from him and I called to him, “Tom, there is a door broke inside in the mine.”

Q. You worked on the night-shift?

A. Yes, sir.

Q. Was there a door broke inside?

A. Yes, sir.

Q. It was your duty to tell Mr. Sanger of that?

A. I could not work very good without the door being fixed.

Cross-examination by Mr. Kaercher.

Q. You were going down the road behind Sanger?

A. Yes, sir.

Q. And he was ahead of you?

A. Yes, sir.

Q. When you came down did you notice anybody on the road but Sanger?

A. No, sir; I did not take notice of anybody else.

Q. Did you see William Uren?

A. No, sir; not that morning at all. I was in company with a man that boarded at Alfred Kitta's—Richard Andrew was down.

Q. How far was Sanger ahead of you?

A. At the time I spoke to him I think he was about ten or fifteen yards.

Q. You called out to him, "Tom, there is a door broke inside"?

A. Yes, sir.

Q. And called out loud enough for him to hear?

A. Yes; pretty loud for him to hear.

Q. What did he say?

A. He gave me some short answer; I do not recollect, and then he said whoever broke it would pay for it.

Q. And then he turned around?

A. He kind of turned around, but did not stop.

Q. How quick after that did you hear the men shooting down the road?

A. I should say about four or five minutes.

Q. You kept on walking down the road?

A. Yes; and speaking to this man.

Q. And Sanger kept on walking down the road?

A. Yes, sir.

Q. Where was Sanger when you called out to him?

A. Coming out of his own gate.

Q. How far down did he walk down before he was shot at?

A. I could not say exactly how far it was.

Q. You could not say how far it was?

A. No, sir.

Q. Was it not only down a little below Williams'—a block and a half?

A. Down around there somewheres.

Q. You were about fifteen yards from him?

A. At the time I hollered to him; but I might have been closer than that at the time the shooting was going on.

Q. You think it was four or five minutes?

A. I think so.

Q. But it was not any longer than it took you to walk down at an ordinary gait to where Sanger was shot?

A. No, sir.

Q. Did you call out in a voice loud enough to be heard by men sitting at the truck?

A. No, sir; I do not think I did.

Q. You did not intend to call out with such a loud voice as that?

A. I spoke to him in a way that he could hear me.

Q. You do not know that you were heard from above Sanger's house by men sitting down by the truck?

A. No, sir.

Q. You had no intention of giving anybody notice or signal that he was Tom Sanger, the inside boss?

A. No, sir.

Q. (Mr. Whitehouse.) You never belonged to the Mollie Maguires?

A. No, sir; I never did.

(Recess for half an hour.)

Afternoon Session.

MICHAEL SHOENAMAN sworn on behalf of the defendant.

Direct examination by Mr. Whitehouse.

Question. Where do you live?

Answer. I live in Schuylkill Haven. I work over here in the jail since 1874. I am boss weaver there.

Q. Do you know Patrick Butler?

A. Yes, sir.

Q. He was a prisoner in jail some time ago?

A. Yes, sir.

Q. Do you know Canning, too?

A. Yes, sir.

MR. KAERCHER:—What do you propose to prove?

MR. WHITEHOUSE:—It is to contradict Canning, and prove that he was sent there for a purpose that Canning said he was not.

MR. KAERCHER:—Do you propose to introduce a conversation between Canning and the witness?

MR. WHITEHOUSE:—If it will contradict him.

MR. CAMPBELL:—The defendant offers this witness for another purpose. Canning said that he was out of work in his own cell, and that he was taken over to Donnelly's cell for the purpose of giving him work. We will attempt to prove that it was not for that purpose at all, but that he could have been taken to other cells and other looms.

Q. You took Canning to Donnelly's cell?

A. I did.

Q. What was your object in taking him there?

A. Because Canning was out of work; we were waiting on the yarn, and he had no work for himself; but Donnelly had a new piece where he was to weave in different,

and one man could not do it well, and, therefore, I took Canning out, because he was idle, and I did not like to take any other one off a loom and have two looms idle.

Q. Were you instructed to take him there?

A. No, sir.

Q. Nobody told you to take him there?

A. No, sir.

Q. You did it of your own free-will?

A. I always changed the men around wherever I could work them, and nobody tells me anything, and I guess nobody knew until I got them in. He was the handiest and nearest, and, therefore, I put him in.

Q. Did you put him in any other cells?

A. He was in with Neil Dougherty a couple of days. I put him in purpose to learn him to change shuttles, because Dougherty's was different from Canning's, and I wanted to give Canning the same kind of lay, and, therefore, I put him there to practice with him on his loom.

Q. Did you carry letters backward and forwards between Canning and Butler?

A. I never carried letters, but papers and books.

Q. Anything written on?

A. That was often the case,—figures and marks, but nothing particular. I often opened it and looked over it, but since there was no harm in it, I passed it.

Q. Did you always open it and read it over?

A. I do not think I did every one, because such a thing happened so often there.

Q. Did you take a letter from Butler to Gibbons, or paper with writing on it?

A. I often did.

Q. From Butler to Gibbons?

A. Yes, sir.

Q. And from Butler to Dean?

A. Very likely I did, because they all changed around, and we always obliged them by taking the papers around for them.

Q. Did you ever read all the letters you took from Butler to Gibbons?

A. There were never any letters; it was always on papers.

Q. On the papers?

A. No, sir.

Q. You did not read them?

A. Not all the time.

Q. You could not state what was on them?

A. No, sir; sometimes harmless things—never anything out of the road, or else I would have shown it to the warden.

Cross-examination by Mr. Kaercher.

Q. State whether you did not put Canning into Donnelly's cell entirely of your own notion, and without any suggestion or intimation from any person whatever?

A. It was entirely my own doing; nobody knew anything about it, and I did it for myself.

Q. State whether you knew at all at the time that Canning was to be a witness?

A. No, sir; I did not know of it, and never had any idea that Canning would be a witness in Donnelly's case,—never.

Q. Was it done entirely under the usual regulations of the jail, for the purpose of learning the men how to do their work?

A. Yes; that is what it was.

GEORGE R. KAERCHER sworn on behalf of the defendant.

Direct examination by Mr. Whitehouse.

Question. You are the district attorney for this county?

Answer. I am.

Q. State whether or not you recommended the pardon of Dennis F. Canning?

A. I did.

Q. Did you recommend that pardon because you believed he had suffered sufficient punishment for his crime, or was it for the purpose of getting him to be a witness in this case, and in order to make him a competent witness in this case?

A. My recommendation is in writing—of the ground upon which I recommended him for a pardon. I have a copy of that letter, and will direct it to be produced. To the best of my recollection, the ground upon which I recommended it was that he was an important and essential witness for the Commonwealth in the trial of this case, and that in the interest of public justice he should be rendered a competent witness by removing the taint of felony that attached under one of the convictions in this county.

Q. Then your object in recommending the pardon of Canning was not because you believed that the ends of justice had been satisfied, but because you wanted to make him a competent witness in a trial where you thought his evidence necessary?

A. I do not think that question was taken into consideration in making the recommendation further than this, that the fact that Canning had given important information to the Commonwealth in respect to other crimes, and it was of such an important character as we thought entitled him to consideration at the hands of the executive department, that his punishment ought to be mitigated; and it is stated in the letter, or memorandum to the letter, as one of the grounds upon which the pardon is urged.

Q. Have you answered the question?

A. I think I have answered the question.

Q. Was it because you deemed that he had suffered a sufficient penalty for his crime?

A. That was a question I did not take into consideration, whether the punishment he had suffered was adequate

to his offense or not; that was a question that was determined by the court in their sentence.

Q. Who joined you in the recommendation for a pardon?

A. F. W. Hughes and F. B. Gowen signed the letter which I wrote.

Q. Did anybody else write a letter, to your knowledge?

A. Yes; Judge Pershing wrote a letter.

Q. Did you say anything in your recommendation about his furnishing important testimony in relation to others?

A. No; I do not think I did.

Q. You made reference only to the Donnelly case?

A. There was a postscript added to the letter, signed by Gowen and Hughes, which stated that he had given information in other cases, I think.

Q. Then the ground upon which you recommended him in your letter was that he would be an important witness?

A. A witness of an important and essential character for the Commonwealth in this case.

Q. Did you draw up the indictment against Lawlor for murder?

A. The records of the court will show; it is the best evidence.

(Mr. Farquhar objected upon behalf of the Commonwealth.)

Q. I do not ask you whether he had been indicted, but whether you drew up the indictment against Lawlor indicting him for murder?

(Mr. Farquhar objected upon behalf of the Commonwealth.)

A. I will state as district attorney I have the official conduct of this case, and I will permit no objection to be made by my colleague. There was an indictment drawn up and found and is entered upon the records of this court.

Q. As accessory before the fact?

A. Yes, sir ; but I do not know whether it is this murder or another murder.

Q. Has it ever been disposed of ?

A. Yes, sir.

Q. In what way ?

A. By this court admitting Lawlor to bail to answer to such charges as may be pending against him, to appear and answer at any time the court may require him.

Q. What bail was had ?

A. That is a matter of record, but I think it was \$1000, in his own recognizance.

Q. He was never arraigned for that ?

A. No, sir.

Q. He never plead guilty or not guilty ?

A. No, sir ; the indictment contains not only his name, but a number of others, and I will state, if you are through, in explanation of the conduct of the court in admitting him to bail, and of his not being arraigned, that the Commonwealth—

(Objected to.)

MR. WHITEHOUSE:—Defendant's counsel object to the further explanation.

A. I will explain my connection with the matter—that the only reason that he was not arraigned and brought to trial upon this indictment was from the fact that the Commonwealth did not possess sufficient, do not now, and never had sufficient evidence to warrant them in calling him for trial. To have called him for trial at any time upon this indictment would necessarily result in his acquittal. By putting the matter in the shape it is now and putting him under his own recognizance, the Commonwealth is in a situation at any time or hour to obtain the evidence to bring him and the others to trial.

Q. Would the Commonwealth have been in any worse position if you had entered a *nolle prosequi* ?

A. Except that would have disposed of the indictment ;

whereas, the indictment is now a pending, live indictment, upon which at any time he may be brought to trial.

Q. There was sufficient testimony to indict him before the grand jury, and for them to find a true bill?

A. There was sufficient testimony, in the judgment of the grand jury, to warrant his being indicted.

Q. Then why did not the Commonwealth proceed?

A. Because not only in my own judgment but in the judgment of all of my colleagues, and I may say of the court too, when the matter was submitted to them, all concurred in that disposition of the case as being the proper and best in the interests of the Commonwealth.

Q. Then you did not come to the conclusion from the evidence that he was not guilty; but you did not have sufficient testimony to convict him?

A. That is a question I do not think would be proper for me to answer as to his guilt or innocence. I have stated that the reason was because I did not believe the evidence sufficient. I have never said anything about my private opinion as to any man's guilt or innocence.

Q. Do you recollect the *habeas corpus* hearing in the chain-gang cases, in which were Lawlor, Kehoe and others?

A. I do not recollect the testimony in any chain-gang cases.

Q. Do you recollect when Lawlor was here, charged with the murder of Sanger, there was a *habeas corpus* hearing?

A. I recollect he was here upon such a charge.

Q. Did you not object to his being released upon bail at that time?

THE COURT:—What has this to do with this case? You need not answer.

A. I prefer to answer it, because there is nothing in the conduct of this case, at any time or place, but which it will afford me pleasure to give any information to the counsel or court. I will state in this case, or in any, so far as the

Commonwealth was concerned, if any person desires to investigate their conduct the door shall be wide open for any question they may choose to ask, and I desire it to be so understood at all times.

(No cross-examination.)

PHILIP HARMAN sworn on behalf of the defendant.

Direct examination by Mr. Campbell.

Question. Where do you live?

Answer. In Plainfield, Luzerne county.

Q. Where did you live on the 1st of September, 1875?

A. In Raven Run.

Q. Were you a member of the Ancient Order of Hibernians?

A. Yes; I was a member of it.

Q. Where did you join?

A. I do not know exactly.

Q. Was it before or after the murder of Sanger and Uren?

A. After.

Q. What division did you join?

A. David Kelly's.

Q. Did you ever meet Dennis Donnelly at any meeting of the Ancient Order—this prisoner?

A. No, sir.

Cross-examination by Mr. Kaercher.

Q. Where did you join?

A. In Girardville, at David Kelly's.

Q. At what time?

A. I do not know the date exactly.

Q. Was it in 1876?

A. No, sir; in 1875.

Q. What time in 1875?

A. Well it was early in August. No; it was not in August; it was later than August. I was not a member at the time of this shooting.

Q. You were not a member at the time that Sanger was shot.

A. No; I think it was the month after.

Q. How many meetings did you go to?

A. I do not know exactly how many. I was to two or three meetings. I was at two at Jack Kehoe's, at Girardville, and at the one I joined.

Q. Where was that?

A. I do not know the man's name; he moved away from there.

Q. Was it Gavin's?

A. No, sir.

Q. Larry Crane?

A. No, sir.

Q. You do not recollect the man's name?

A. No, sir.

Q. But you were at two meetings at Jack Kehoe's?

A. Yes, sir.

Q. Was it where the division met?

A. Yes; that is the place.

Q. You do not recollect of seeing Dennis Donnelly at any meeting at Kehoe's after Sanger was killed?

A. No, sir; I did not attend all the meetings, but I never saw him there at either of the two meetings I was at.

Q. Is there anything the matter of your eyesight?

A. No, sir.

Q. Can you see Donnelly down there? (Indicating the prisoner.)

A. Yes; there he is. (Pointing at the defendant.)

Q. Do you say you never saw this man at any meeting at Kehoe's, of the division?

A. Not to my knowledge.

... have joined he has spoken to ...
the w he spoke I thought he was a member before I
joine

Q He recognized you as a member, did he not?

A I do not know.

Q Did you not speak together as members?

A He spoke to me and gave me the sign.

Defendant rests.)

REBUTTAL EVIDENCE.

MICHAEL LAWLOR recalled on behalf of the Commonwealth.

Direct examination by Mr. Kaercher.

Question. Do you recollect the day that James McDonnell came in the cell of Patrick Butler and Slattery and yourself?

Answer. I think it was a man by the name of James McDonnell. I recollect he was there.

Q. State whether or not you were in the cell with Patrick Butler and McDonnell all the time he was there?

A. I was.

Q. State whether there was any conversation took place in a low tone of voice on Butler's bed between McDonnell and Butler?

A. No, sir; I do not think there was, and I do not know if any of the men sat down there during the time

Q. What time in 1875?

A. Well it was early in August. No; it was not in August; it was later than August. I was not a member at the time of this shooting.

Q. You were not a member at the time that Sanger was shot.

A. No; I think it was the month after.

Q. How, all the time, — from the time ~~he~~ ^{did you go to?} until he left. two or

(No cross-examination.)

Commonwealth counsel offered in evidence almanac for the year 1875, for the purpose of showing the time the moon rose.

(Objected to.)

MR. KAERCHER:—If there is any objection we will not press it.

(Case closed.)

E. D. YORK,

Official Stenographer.

...and the *Journal of the American Medical Association* (JAMA) has been the most influential journal in the field of medicine for over a century. It is the only journal in the field that is published daily, and it is the only journal that is published in both print and electronic formats. It is the only journal that is published in both English and Spanish. It is the only journal that is published in both the United States and abroad. It is the only journal that is published in both the medical and non-medical fields. It is the only journal that is published in both the scientific and non-scientific fields. It is the only journal that is published in both the professional and non-professional fields. It is the only journal that is published in both the academic and non-academic fields. It is the only journal that is published in both the public and non-public fields. It is the only journal that is published in both the private and non-private fields. It is the only journal that is published in both the commercial and non-commercial fields. It is the only journal that is published in both the for-profit and non-for-profit fields. It is the only journal that is published in both the public and non-public fields. It is the only journal that is published in both the private and non-private fields. It is the only journal that is published in both the commercial and non-commercial fields. It is the only journal that is published in both the for-profit and non-for-profit fields.

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